

UNITED STATES OF AMERICA  
DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
NATIONAL ORGANIC PROGRAM

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NATIONAL ORGANIC STANDARDS BOARD

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PUBLIC COMMENT WEBINAR

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TUESDAY  
APRIL 19, 2022

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The Board met via Videoconference, at  
12:00 p.m. EDT, Nate Powell-Palm, Chair,  
presiding.

MEMBERS PRESENT

- NATHAN POWELL-PALM, Chair
- AMY BRUCH
- BRIAN CALDWELL
- GERARD D'AMORE
- CAROLYN DIMITRI
- LIZ GRAZNAK
- RICK GREENWOOD
- KIMBERLY HUSEMAN
- MINDEE JEFFERY, Vice Chair
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- KYLA SMITH, Secretary
- WOOD TURNER
- JAVIER ZAMORA

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ALSO PRESENT

MICHELLE ARSENAULT, Advisory Committee  
Specialist, National Organic Program  
JARED CLARK, National List Manager, National  
Organic Program  
DAVID GLASGOW, Associate Deputy  
Administrator, National Organic Program  
ERIN HEALY, Division Director, Standards,  
National Organic Program  
ANDREA HOLM, Materials Specialist, National  
Organic Program  
DEVON PATTILLO, Acting Assistant Director,  
Standards, National Organic Program  
JENNIFER TUCKER, Deputy Administrator, National  
Organic Program; Designated Federal Officer

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1 P-R-O-C-E-E-D-I-N-G-S

2 (12:04 p.m.)

3 MS. ARSENAULT: So welcome everybody  
4 for joining us for the National Organic Standards  
5 Board oral comment webinars, today and Thursday.

6 It's the beginning of the NOSB meeting which will  
7 continue on into next week. I'm going to go read  
8 through some administrative stuff, so if you're  
9 on the phone with us, we do have a slide on the  
10 screen and I'll just verbally tell you what you're  
11 not seeing on the screen.

12 If you're having online issues, audio  
13 issues, you can always dial in on the phone. The  
14 numbers are on the screen in the chat box, if you're  
15 with us that way. They also appear on the NOSB  
16 meeting webpage where you can find them there.  
17 We ask that you do please stay on mute. The chat  
18 is enabled, so you guys can talk with each other  
19 via chat. If you look at the -- you find your Zoom  
20 taskbar, it's in the center of the task bar. You  
21 can chat with each other, but chats are not part

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1 of the public record. And if you're a public  
2 commenter, you have to sign up in order to be called  
3 on to speak today.

4 We have closed captioning enabled, and  
5 you can also find that in your Zoom taskbar, a  
6 little to the right, you can turn it on or off for  
7 yourself, so you can see it if you want, and turn  
8 it off if you don't want to see it. You can also  
9 change the font size, if you need it bigger.  
10 Please don't use the raise hand feature. Again,  
11 commenters registered in advance and Nate, the  
12 board chair, will be calling on people in turn.

13 You can customize your Zoom view. So  
14 what you can see on the screen and the upper right  
15 hand side of your Zoom window you'll see nine boxes,  
16 kind of little Brady bunch thing. You can change  
17 what you see on your screen. We are going to pin  
18 my camera, so which will be pointed at the speaker  
19 timer. So that should always appear for  
20 everybody, no matter how you rearrange your view.

21 If you're having technical problems,

1 you can always contact Zoom support.zoom.us, in  
2 the upper right hand. They have a contact us  
3 button. And Andrea just chatted that web address  
4 into the chat there. We are recording and have  
5 transcriptionists on the line with us today, and  
6 we're going to post the transcripts on the NOP  
7 website as soon as they're available. It's  
8 usually a couple of weeks after the conclusion of  
9 the board meeting. Next slide, please, Jared.

10 So for speakers, make sure that your  
11 name is displayed in your video tile correctly so  
12 we can find you when it's time for you to speak,  
13 just to make sure you're on the call with us. And  
14 we can unmute you if you're having trouble unmuting  
15 yourself. You should have access to both your mic  
16 and camera and be able to control those yourself.

17 But we do ask that people please stay on mute just  
18 to keep the background noise down.

19 When you're called on, we're going to  
20 -- you can unmute yourself and then turn your camera  
21 on. If you want, it's optional, you don't have

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1 to be on camera. The mic is on the bottom left  
2 of the Zoom taskbar. And if you're on the phone  
3 only, you may have to hit, and you don't have a  
4 mute button on your phone, you may have to hit star  
5 6 in order to mute and unmute yourself, it toggles.

6 When you come to the mic, you're going  
7 to state your name and affiliation for the record  
8 at the start of the comment, and then I'll start  
9 the timer. And each commenter has 3 minutes to  
10 speak. We'll use the timer and we're going to test  
11 it during the intro here, just so you guys can hear  
12 what it sounds like. It also will -- there's a  
13 timer on screen, so I'm going to flip over to my  
14 other camera here. So you should be able to see  
15 that right now it's showing 5 seconds, and it's  
16 backwards for me, so hopefully it's right for you  
17 guys. So, after your comment is done, either the  
18 timer's going to go off and tell you you're done,  
19 please finish your sentence. And then Nate will  
20 open it up to the board members to ask you  
21 questions. So you might not go on mute immediately

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1 after you're done with your comments.

2 All right, I think I am done with  
3 administrative stuff, and I'm going to turn the  
4 mic now over to Jenny Tucker, the National Organic  
5 Program, Deputy Administrator. Jenny, welcome.

6 MS. TUCKER: All right. Thank you,  
7 Michelle. And welcome everyone. I'm Jennifer  
8 Tucker, Deputy Administrator of the National  
9 Organic Program. Welcome first to all our  
10 National Organic Standards Board members. This  
11 is our fourth online meeting together, and we are  
12 happy to continue to have such an engaged audience  
13 for this forum. I would particularly like to  
14 welcome our four new board members. We have Liz  
15 Graznak from Missouri, we have Allison Johnson from  
16 California, Dr. Dilip Nandwani from Tennessee, and  
17 Javier Zamora from California. They started their  
18 work on the board this spring. We're going to give  
19 them a round of Zoom applause like this, which is  
20 waving your hands in front of the camera to applaud.  
21 So welcome to all of our new and our returning

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1 board members.

2 For all our public commenters, thank  
3 you again for engaging in this process with us.

4 I also thank our audience who are here to bear  
5 witness to this public meeting process. We are  
6 glad that you are here. This webinar opens a  
7 series of virtual webinars that will occur over  
8 multiple days, 2 days this week, and 3 days next  
9 week, meeting access information for all meeting  
10 segments is posted on the NOSB meeting page on the  
11 USDA website. Transcripts for all segments will  
12 be posted once completed.

13 This meeting, like other meetings of  
14 the National Organic Standards Board, will be run  
15 based on the Federal Advisory Committee Act and  
16 the Board's Policy and Procedures Manual. I will  
17 act as the Designated Federal Officer for all  
18 meeting segments. Nate Powell-Palm, our new board  
19 chair will take the helm for this session. Before  
20 we start, let's give Nate a round of applause in  
21 advance for a great meeting. And Nate,

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1       congratulations on your board chairmanship.

2                   MR. POWELL-PALM:   Okay.

3                   MS. TUCKER:   As I noted at the start  
4       of the last NOSB meeting, in an open transparent  
5       process, mutual respect is critical.  We do ask  
6       you in advance to avoid personal attacks and  
7       disparagement, please engage with grace.  To  
8       close, I thank the National Organic Program team.

9       This is an amazing team that I am honored and  
10      privileged to work with every single day.  
11      Michelle keeps this world spinning for us.  We also  
12      have Jared Clark, Devon Pattillo, Andrea Holm, Dave  
13      Glasgow, and our Standards Director, Erin Healy.

14      So big round of applause to both program staff  
15      and the board and participants and public  
16      commenters.  So thank you all of you.  I am now  
17      going to hand the mic back for a roll call of NOSB  
18      members and NOP staff.  And Michelle, I believe  
19      I'm handing it back to you.  Is that correct?

20                   MS. ARSENAULT:   Off the speaker timer  
21      there.  Nate Powell-Palm?

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1 CHAIR POWELL-PALM: Present. And  
2 good morning from Montana.

3 MS. ARSENAULT: Good morning.  
4 Mindee? I can't see everybody now. So I'll  
5 listen to your --

6 MEMBER JEFFERY: Present. Thank you.

7 MS. ARSENAULT: Hi, Mindee. Kyla  
8 Smith?

9 MEMBER SMITH: I'm here. Good  
10 morning.

11 MS. ARSENAULT: Good morning, Kyla.

12 MS. SMITH: Afternoon, I guess it is  
13 now outside.

14 MS. ARSENAULT: Good day, good day.  
15 That works. Amy Brooke?

16 MEMBER BRUCH: Good morning,  
17 everybody.

18 MS. ARSENAULT: Brian Caldwell?

19 MEMBER CALDWELL: Here.

20 MS. ARSENAULT: Hi, Brian. Jerry  
21 D'Amore?

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1 MEMBER D'AMORE: Here as well.

2 MS. ARSENAULT: I'm going to call  
3 Carolyn Dimitri, but I think Carolyn's going to  
4 be a little delayed joining us. Great. Liz  
5 Graznak?

6 MEMBER GRAZNAK: Present. Good  
7 morning from mid-Missouri.

8 MS. ARSENAULT: Welcome, Liz. Rick  
9 Greenwood?

10 MEMBER GREENWOOD: Present.

11 MS. ARSENAULT: Okay. Kim Huseman?

12 MEMBER HUSEMAN: Hello. Good  
13 morning.

14 MS. ARSENAULT: Allison Johnson?

15 MEMBER JOHNSON: Present. Good  
16 morning. Clunky technology.

17 MS. ARSENAULT: Help is in the room.  
18 We understand. Dilip Nandwani?

19 MEMBER NANDWANI: Good morning from  
20 Tennessee. Thank you.

21 MS. ARSENAULT: Good morning, Dilip.

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1 Logan Petrey?

2 MEMBER PETREY: Hi. Present. Thank  
3 you.

4 MS. ARSENAULT: Welcome Logan twice.  
5 Wood Turner?

6 MEMBER TURNER: I'm here. Good  
7 morning.

8 MS. ARSENAULT: Hello. Good morning,  
9 Wood. And Javier Zamora?

10 MEMBER ZAMORA: Buenos dias a todos  
11 here from beautiful rainy Watsonville, California.

12 MS. ARSENAULT: Excellent. Thank  
13 you. All right. So Nate, everyone is here.  
14 Carolyn, I expect to be joining us shortly, so we  
15 can -- I'll give her a shout out when she joins,  
16 if you want. Right. And Jenny already introduced  
17 NOP staff. So I'm going to hand the mic to you  
18 now, Nate, to take over the rest of the meeting.

19 And at some point Nate will test the speaker timer  
20 just so people can hear it and kind of know what  
21 to listen for.

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1                   CHAIR POWELL-PALM:    Sounds good.    I  
2    heard it was upgraded to be very pleasant.    So  
3    hello everybody, I'm Nate Powell-Palm, I am a  
4    farmer based in Montana, just outside at Bozeman,  
5    and I am stoked to be here with you all today.  
6    It's going to be a really great meeting, and I'm  
7    excited to hear from our community and have the  
8    opportunity for our new members especially, to get  
9    their feet wet with this process and learn how and  
10   why organics is so great, through this feedback  
11   process.

12                   When we get started off here, it's just  
13   a quick reminder that we actually do have a policy  
14   and procedures manual about public comments.    So  
15   all speakers who will be recognized, signed up  
16   during the registration period, persons must give  
17   their names and affiliations for the record at the  
18   beginning of their public comment.    Proxy speakers  
19   are not permitted.    Individuals providing public  
20   comment shall refrain from making any personal  
21   attacks or remarks that might impugn the character

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1 of any individual.

2 Members of the public are asked to  
3 define clearly and succinctly the issues they wish  
4 to present before the board. This will give the  
5 NOSB members a comprehensive understanding of the  
6 speaker's concerns. I'll call on speakers in the  
7 order of the schedule and we'll announce the next  
8 person or two so that they can be prepared. Please  
9 remember to state your name and your affiliation,  
10 and then we'll start the timer. Board members will  
11 indicate to me if they have questions, and I'll  
12 call on them. Only NOSB members are allowed to  
13 ask questions.

14 All right. So, let's get started.  
15 Because our first member is going to be our first  
16 commenter, former member, is going to be Steve Ela.

17 And so real quick, Steve, before we get started,  
18 Michelle, would you play the timer real quick, so  
19 we can hear the chime of the end of a comment?  
20 Thank you.

21 MS. ARSENAULT: Could you guys hear

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1 that very well?

2 CHAIR POWELL-PALM: Kind of quiet, but  
3 I think we'll get it.

4 MS. ARSENAULT: Right. All right.  
5 The timer is on screen as well, so you'll be able  
6 to see it counting down. Nate, I just want to add  
7 one thing, I forgot to mention that if you have  
8 a slide deck, we'll make sure it's up on screen  
9 before you get started with your comment. We'll  
10 get all settled first before I start the timer.

11 CHAIR POWELL-PALM: Yes. If any  
12 commenters are going to be joining exclusively by  
13 phone and you're not able to name yourself, please  
14 send Michelle a message. If you're on, we're going  
15 to be calling folks out. And if we don't see you,  
16 we're going to skip over you, but we're going to  
17 try to give you ample opportunity to make yourself  
18 known. All right. If we're ready, the floor is  
19 yours. Steve.

20 MR. ELA: Good morning, everybody.  
21 I'm Steve Ela, organic fruit farmer in little town

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1 of Hotchkiss in Western Colorado. Really organic  
2 farmer, but I also am sometimes advisor of the  
3 National Organic Coalition. So with that, I would  
4 like to start my comments. Really I want to speak  
5 on the highly soluble nitrogen issue, but before  
6 I do that I want to address something with PDS.

7 I would like to propose a change to the  
8 policy and procedures manual that gives ex-NOSB  
9 members an extra 30 seconds in public comment for  
10 every year they served on the board. So I'll let  
11 you take that under consideration. And then with  
12 that, I'll jump into the highly soluble nutrient  
13 side. I'd like to welcome the new board members  
14 and say hi to all the old board members. For the  
15 new board members, I know there is a lot of time  
16 required, and some of it is dealing with some sets  
17 that seem really mundane, but I hope that in your  
18 5 years of tenure you will have several topics that  
19 you feel like really make a difference to the  
20 organic community. And with that, I think the  
21 highly soluble nutrient, nitrogen proposal is one

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1 of those topics.

2 The basis of it really as a practice  
3 standard will govern the nature of organic farming  
4 into the future. One of the big issues with it  
5 is to limit the number of highly soluble nutrients  
6 that are applied and honor the mantra of feeding  
7 the soil. Organic farming has been based on that  
8 and is not a nutrient substitution process. And  
9 by limiting the highly soluble nutrients that are  
10 applied through a practice standard that will help  
11 to honor that mantra of which OFA was originally  
12 designed.

13 One of the comments has been that this  
14 standard is not necessary at this time. However,  
15 as was evidenced by the Ammonia Extract petition,  
16 there are new and novel materials coming out. And  
17 so this is needed for the future to limit the number  
18 of highly soluble nutrients that can be used until  
19 they're able to be submitted by petition and  
20 prohibited, similar to the ammonium extract  
21 petition that we've just received last meeting.

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1       The other comment was that this overburdens  
2 farmers with too much paperwork, and that'll be  
3 difficult for certifiers.

4               My response to that is that if you do  
5 not use materials that are less than three-to-one  
6 carbon and nitrogen ratio, all you have to do is  
7 check the box and say I don't use this, and you're  
8 done. There is no burden whatsoever if you use  
9 materials above that three-to-one ratio. If you  
10 use them below, then just like with sodium nitrate  
11 in the past, it is easy to document that,  
12 certifiers, nutrient manufacturers, material  
13 review organizations will all have incentive to  
14 list that three-to-one ratio, and so it should be  
15 fairly clear once, this system gets started.

16               And finally, I'm going to address the  
17 law of return and recycling. Organics is  
18 dedicated to recycling nutrients. However, that  
19 does not mean we have to recycle every nutrient.

20       For example, we don't recycle bio solids or  
21 colored papers from newspaper. So we do recycle

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1 things, but it is really the whole product. And  
2 just like when you eat dinner, you're looking for  
3 wholesome foods and other things; you're not just  
4 looking for a single vitamin to feed yourself.  
5 So organic is dedicated to that soil, it is  
6 dedicated to recycling of the whole nutrient, and  
7 I'd be happy to answer any questions that you have  
8 about this topic.

9 CHAIR POWELL-PALM: Excellent time.  
10 Good precedent to set, right on the money.  
11 Members, do we have any questions for Steve?  
12 Logan?

13 MEMBER PETREY: Hi, Steve. You knew  
14 I'd be asking a question.

15 MR. ELA: Of course.

16 MEMBER PETREY: I'll keep it simple.  
17 Thank you for coming on. I appreciate it. Good  
18 to see you. So you mentioned highly soluble  
19 nutrients and not so much, or -- I mean, I know  
20 we're talking about nitrogen here, but you did  
21 reference nutrients a few times. And so, do you

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1 think that this rule should expand to all nutrients  
2 and not just nitrogen, including calcium, boron  
3 and other highly soluble nutrients? Should we  
4 start expanding onto that and putting limits on?

5 MR. ELA: You know, the nutrients  
6 designation is a habit, really this pertains to  
7 fertilizers as it should. That was from the  
8 comments of last fall where people said we should  
9 limit it. I don't think I'm going to go down that  
10 path of all highly soluble nutrients. Just, I  
11 mean, we already do with calcium fluoride and some  
12 of the other nutrients. So there -- you know,  
13 there is a precedent for that, but really this  
14 motion is about highly soluble nitrogen  
15 fertilizers and their impact on the soil. I think  
16 some of the other nutrients are -- like calcium  
17 fluoride tend to be more foliar nutrients, so it's  
18 a bit of a different story. So I'll just stick  
19 to the nitrogen side of it right now, just to keep  
20 it more focused.

21 MEMBER PETREY: Okay. Fair. Thank

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1       you.

2                   CHAIR POWELL-PALM:   Amy?

3                   MEMBER BRUCH:        Sure.    Hi,   Steve.

4       Good to see you again.   Thank you so much for your  
5       continued contributions to the organic community  
6       and your previous board service.    I really  
7       appreciate your written comments and your current  
8       oral comments.   This is a really important topic.

9       You did bring in the fact of vitamins and just  
10      kind of how we can digest this principle for --  
11      I mean, maybe non-farmers, just the complexities  
12      of what vitamins do to the body versus a complex  
13      diet.   So I wanted to give you a little bit of time  
14      to kind of elaborate on just the solubility portion  
15      of nitrogen versus the protein component of  
16      nitrogen.

17                  MR. ELA:    Sure.    Thanks, Amy.   I know  
18      I've talked with a number of people that wonder  
19      where the three-to-one ratio comes from, and really  
20      that ratio is right at the break point between  
21      proteins and amino acids, and just more of a pure

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1 nitrogen in the form of nitrate and ammonia. And  
2 the basis of organic agriculture has always been  
3 to feed the soil, and by feeding the soil protein  
4 or even amino acid, it means the soil biota have  
5 to break that down into -- to make the nitrogen  
6 available as a plant, available nutrient. And so  
7 that three-to-one carbon and nitrogen ratio really  
8 is a break where we feed the soil more complex  
9 nutrients and that soil and the biota has to respond  
10 with that complex nutrient. And that's always  
11 been a mantra of organic agriculture.

12 When we go below a three-to-one ratio  
13 such as for nitrate and ammonia, then we're really  
14 into the kind of the input substitution mode. And  
15 that is something that organic agriculture has not  
16 been about. We really are dedicated to ecosystems  
17 and soils processes and not just input  
18 substitutions. So analogy for humans is if we,  
19 you know, we take whole foods, you know, that helps  
20 our gut flora, that's really the way to adequate  
21 nutrition rather than just supplementing or just

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1 eating a vitamin. The 20 percent ratio does let  
2 in emergency use or cold soils, it does allow some  
3 use of these things, just like you might take a  
4 extra vitamin and when you're short of something.

5 But it doesn't allow for the whole use of this,  
6 and it also helps put some guardrails on the system.

7 It very explicitly states for manufacturers as  
8 they develop some of these products what the  
9 potential is. It also means it gives the NOSB time  
10 to review these things before they're widely used.

11 So I think it helps set appropriate boundaries.

12 But ultimately, it's just really, you know, it's  
13 eating well and it's feeding the soil well and --  
14 versus an input substitution model. So, I think  
15 for that it's really important for the future of  
16 organics.

17 MEMBER BRUCH: Thank you, Steve.  
18 Appreciate it.

19 CHAIR POWELL-PALM: Anybody else?  
20 Questions for Steve? All right. Well, thank you  
21 so much, Steve.

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1 MR. ELA: Good luck to everybody.

2 CHAIR POWELL-PALM: All right. Next  
3 up, Yu Yi Tan, and I don't think we have seen you,  
4 if you're here Yu Yi on the list or on the -- present  
5 in the Zoom. So please speak up if you are here,  
6 otherwise we'll move on. All right. And if you  
7 are here and are having tech difficulties, please  
8 just send an e-mail to Michelle, and we can try  
9 to put you in at the end there.

10 All right. Next up is going to be Terry  
11 Shistar with Beyond Pesticides; after that, Jay  
12 Feldman with Beyond Pesticides; and after that,  
13 Youngblood with NOC.

14 Terry? And I think we're going to have  
15 a presentation pulled up for you. Here we go.  
16 Thank you, Andrea.

17 MS. SHISTAR: Okay. Okay. My name is  
18 Terry Shistar, and I'm on the board of directors  
19 of Beyond Pesticides. This is kind of highlights  
20 of our comprehensive written comments. Please  
21 deny the petition for CPC, a toxic quaternary

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1 ammonia compound that is being petitioned for use  
2 on raw organic poultry. Quats include several  
3 toxic sanitizers and disinfectants, as well as the  
4 highly toxic herbicides paraquat and diquat. CPC  
5 residues have been discovered on treated surfaces  
6 and poultry skin, exposing workers and consumers  
7 to unlabeled pesticide residues. It is  
8 unnecessary in organic production.

9 Please pass the proposal, limiting the  
10 use of highly soluble nitrogen fertilizers to  
11 protect organic integrity, consistent with the  
12 principle of feeding the soil, not the plant.  
13 Awareness is growing about the environmental and  
14 health impacts of plastic and the microplastic  
15 particles to which it degrades. The NOSB should  
16 initial action to eliminate all uses of plastic  
17 and organic production and handling, including  
18 packaging. Biodegradable, bioplastic mulch  
19 should not be relisted.

20 Many NOSB recommendations have not been  
21 addressed by NOP. It is your role in the NOSB to

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1 guide NOP and ensure that the conventional  
2 industrial agriculture clients of USDA do not  
3 control the organic program. Now, NOP has come  
4 to the organic community with a request for input  
5 concerning the priorities to be assigned to  
6 recommendations it has failed to complete.

7 The organic community has spoken on  
8 these issues, but NOP has not done its job. It's  
9 improper for NOP to now pit segments of the organic  
10 community against one another. NOP must do its  
11 job with no excuses. It must ensure that OMB, for  
12 example, understands the structure of the organic  
13 program, including why nationalist changes as  
14 material sunset must give higher priority to  
15 completing NOSB recommendations. It is NOP's  
16 responsibility to just get it done.

17 Appendix A of our big picture comments  
18 contains our analysis about standing NOSB  
19 recommendations. In classifying its progress,  
20 NOP creates some categories for which it has  
21 decided to ignore the recommendations closed or

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1 indefinitely delayed implementation on hold. On  
2 hold includes prohibition of aeroponics,  
3 clarifying emergency use of synthetic  
4 parasiticide, all recommendations concerning  
5 excluded methods, the procedure for examining  
6 ancillary substances and ammonia extracts.

7 Closed includes containers,  
8 eliminating the incentive to convert native  
9 ecosystems to organic crop production and sodium  
10 nitrate. In addition, other recommendations like  
11 the 2010 recommendation on greenhouse production  
12 have been ignored. Please see Jim Riddle's  
13 comments concerning that. Thank you.

14 CHAIR POWELL-PALM: All right. Thank  
15 you so much. And bear with me, everyone, while  
16 we have this screen up. There we go. Okay. Any  
17 questions for Terry? All right. Seeing none.  
18 Thank you, Terry.

19 MS. SHISTAR: Thank you.

20 CHAIR POWELL-PALM: Next up will be Jay  
21 Feldman, followed by Abby Youngblood, and Alice

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1           Runde with NOC, after Abby. Jay?

2                       MR. FELDMAN: Hi. I'm Jay Feldman,  
3 executive director of Beyond Pesticides, and a  
4 former NOSB member. Welcome to new, and hi to  
5 returning board members. Thank you for your  
6 service. Please see our extensive written  
7 comments on this meeting's agenda.

8                       Today, I'd like to explain our  
9 perspective on the NOSB's role and why we have been  
10 engaged with organic for over 40 years.  
11 Leadership, this is why the NOSB exists, a  
12 stakeholder board empowered by Congress to lead  
13 USDA on organic transition and standard-setting  
14 to lead the transition away from  
15 chemical-intensive agriculture. Your leadership  
16 is critically important in the midst of existential  
17 public health threats from toxic-chemical-induced  
18 diseases, biodiversity collapse and the climate  
19 emergency. The need for structural changes or  
20 systemic change was in effect recognized on the  
21 first day of the Biden administration with

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1 executive memorandum on modernizing regulatory  
2 review. It recognizes the need for our holistic  
3 approach to government action, requiring agencies  
4 "to ensure that regulatory initiatives, promote  
5 public health and safety, economic growth, social  
6 welfare, racial justice, environmental  
7 stewardship, human dignity equity, and the  
8 interest of future generations."

9 In eliminating fossil-fuel-based  
10 pesticides and fertilizers, we achieve this. Stop  
11 hazardous exposure to toxics with  
12 multi-generational adverse effects, improve the  
13 health and welfare of communities, protect people  
14 of color and protecting farm workers where  
15 pesticides are used.

16 And fenceline communities where toxic  
17 pesticides are produced. Protect and enhance  
18 ecosystems and utilize ecosystem services.  
19 Respect life as opposed to setting allowable levels  
20 of harm and inequitable consequences. Every  
21 technical review that informs your actions must

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1 include a cradle-to-grave analysis for you to do  
2 this and fulfill your statutory mandate in  
3 determining allowable materials on the national  
4 lens.

5 Last week, the deputy administrator for  
6 USDA's NOP said that the Office of Management and  
7 Budget is a roadblock to your decisions. The  
8 failure of USDA to follow through on your  
9 recommendations is a national scandal and tragedy.

10 And in our view, fails to comply with the law.

11 As the NOSB, we urge you to call out, reject and  
12 stand up to the undermining of your work and false  
13 arguments of economic dislocation. It harms  
14 consumer and farmer confidence in the organic label  
15 and the growth of the organic sector.

16 With this, USDA only helps to elevate  
17 the chemical industry, industrialized  
18 agriculture, factory farms, abusive working  
19 conditions and deadly diseases, and cripples the  
20 foundation of organic principle of continuous  
21 improvement.

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1                   Remember the law's no additions clause  
2           that prohibits the secretary without your  
3           recommendation from allowing nationalist  
4           substances not recommended by the board. Embrace  
5           your role in providing advice to the secretary,  
6           bring your voice to this forum and the NOSB  
7           agenda-setting, use the power of the board  
8           resolutions.

9                   And keep pushing back against an agency  
10           that still invasions organic as producing niche  
11           specialty crops, rather than the original vision  
12           in the statute, the cutting edge for the future  
13           of agriculture and all land management, ensuring  
14           a sustainable -- thank you.

15                   CHAIR POWELL-PALM: Thank you, Jay.  
16           Appreciate your comments.

17                   MR. FELDMAN: Thanks.

18                   CHAIR POWELL-PALM: And I see Brian has  
19           a question.

20                   MEMBER CALDWELL: Yes. Thanks for  
21           your comments. I have two different points here.

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1       And the first one is whether Beyond Pesticides  
2       has sort of contamination issues like PFAS and BPA  
3       in packaging and those things on their agenda for  
4       continued, you know, examination and suggestions.

5       And the second one is when an economic analysis  
6       is done on the effects of practices or products,  
7       I wonder if Beyond Pesticides has any  
8       recommendations about how to assess the effect of  
9       -- the possible effect of kind of loss of confidence  
10      in the entire label.

11               In other words, kind of a much bigger  
12      picture than just maybe a specific effect on one  
13      segment of the industry or something like that.

14      So those two points, please.

15               MR. FELDMAN:   Yes.   You know, thank  
16      you for your questions, Brian.   You know, the whole  
17      issue of legacy chemicals has been top of mind in  
18      the formulation of the statute and the ongoing  
19      implementation.   And we struggled with, you know,  
20      in eyes on the board, we consistently struggle with  
21      background levels, as we call it, right, and how

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1 to incorporate an evaluation of those levels into  
2 allowable products, you know, that achieve the  
3 label.

4 And there are clear, you know,  
5 indicators of threshold, levels of harm, which  
6 we're still working out with PFAS. Obviously, you  
7 know, EPA is working on this as we speak. We've  
8 been struggling with this with DDT and DDE, the  
9 breakdown product for generations now. And so I  
10 think our, you know, under this banner of  
11 continuous improvement, which we always talk  
12 about, we have to figure out what the threshold  
13 of elevated residues and threshold of elevated harm  
14 is when it comes to these background levels.

15 We've often used enforcement action  
16 levels that are set by EPA and FDA, as enforcement  
17 levels, as we ratchet down allowable residues in  
18 the, you know, in the food supply. The point here  
19 is, however, that we can't put organic at an  
20 economic disadvantage when we are essentially  
21 living in the toxic soup of past mistakes. And

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1 on the thing that we have to stop, I think is this  
2 ongoing contamination from drift, from runoff,  
3 from, you know, volatility and airborne transport.

4 And we have to stop allowing that to  
5 impose harm on organic production and organic  
6 growers. And this is where I think the NOSB can  
7 be very helpful in talking about chemical trespass  
8 and how it's undermining consumer confidence in  
9 the production practices on organic farms, no fault  
10 of the organic farmer or the organic processor.

11 We have to get more engaged in this as  
12 a community and be more assertive in stopping that  
13 non-target drift in all different forms. So I'm  
14 not sure there's an easy answer to the question.

15 I mean, we're struggling this -- Maine, we just  
16 have a piece on our website today about the  
17 struggles in the state of Maine and an attempt to  
18 work with farmers and reimburse farmers to the  
19 harm, no fault of their own.

20 On the economics of all of this, this  
21 is always a challenge. You know, we think of three

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1 pillars when we talk about regulation under organic  
2 standards, we think about, you know, issues of  
3 adverse effects, issues of compatibility with  
4 organic systems and what that means to the soil,  
5 et cetera. And then we think about essentially,  
6 you know, are these materials really essential to  
7 organic production.

8 And that's where I think the board has  
9 to look carefully at what is needed and what is  
10 not needed. But remember, as you make that  
11 evaluation, whether you're talking about soluble  
12 fertility or anything else, you can't allow that  
13 to trump the other issues of harm and compatibility  
14 with organic systems.

15 So to preserve the value of the label  
16 and public trust in that label, we have to think  
17 always comprehensively, yes, the economics factors  
18 into that, but it has to factor into that in  
19 conjunction with the other factors under review.

20 Thanks for your question. It's a complex  
21 question.

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1 CHAIR POWELL-PALM: Thank you. Thank  
2 you so much for asking that, Brian.

3 MEMBER CALDWELL: Thanks very much.

4 CHAIR POWELL-PALM: All right. Next  
5 up we have Abby Youngblood followed by Alice Runde,  
6 followed by Christie Badger.

7 Abby, floor is yours.

8 MS. YOUNGBLOOD: Good afternoon. I'm  
9 Abby Youngblood, executive director at the  
10 National Organic Coalition. And I would like to  
11 start by discussing two critically important  
12 issues that the NOSB is considering at this  
13 meeting.

14 First, NOC strongly supports the NOSB  
15 proposal to limit fertilizers with  
16 carbon-to-nitrogen ratios of three-to-one or less.

17 We think passing this proposal is fundamental to  
18 protecting the integrity of the organic program  
19 and advancing organic as a climate-smart-system  
20 of agriculture.

21 As time goes by, more soluble crop

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1 fertilizers that do nothing to feed the soil are  
2 hitting the market. These materials allow farmers  
3 to sidestep the soil health requirements and the  
4 organic regulations. The NOSB must act now to  
5 regulate these highly concentrated and available  
6 sources of nitrogen as a group. The development  
7 of these fertilizers is taking place at a fast and  
8 furious pace, and it may become difficult to spot  
9 each of these new fertilizers.

10 This proposal lays out a clear and  
11 enforceable plan to restrict the widespread  
12 reliance on highly soluble nitrogen fertilizers  
13 in organic production. The second critical issue  
14 that NOSB is voting on this spring is excluded  
15 methods. NOC strongly supports the NOSB  
16 recommendation for a formal guidance document from  
17 the National Organic Program. We agree with the  
18 addition of self-fusion and protoplast fusion as  
19 outlined with one small suggestion regarding the  
20 definition.

21 On another topic, I want to urge NOSB

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1 members to pay close attention to the annual peer  
2 review audits at the National Organic Program.  
3 This is the mechanism for oversight over the NOP's  
4 accreditation process, and the NOSB should take  
5 a more active role in evaluating the results of  
6 these reports and flagging issues of concern.

7 At the NOP's request, for this meeting  
8 the NOSB reviewed a risk mitigation table related  
9 to real and perceived conflicts of interest.  
10 While the information in this table is important,  
11 it's the tip of the iceberg when addressing  
12 conflicts of interest to mitigate risk within the  
13 certification process.

14 We encourage the NOP and the NOSB to  
15 continue to address risk mitigation in a more  
16 systematic way. NOC also submitted comments this  
17 spring to the National Organic Program, because  
18 we are deeply concerned about USDA's failure to  
19 implement dozens of critically important NOSB  
20 recommendations over the past two decades. The  
21 process is fundamentally broken, and significant

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1 reforms are urgently needed. In our comments we  
2 describe 12 recommendations to bring greater  
3 accountability and transparency to the NOP's  
4 process for implementing NOSB recommendations.

5 We urge the NOSB to use your platform  
6 to communicate directly with the secretary and USDA  
7 officials about the need to clear the NOSB backlog  
8 and make reforms to the process going forward.  
9 Thank you so much for considering these comments.

10 CHAIR POWELL-PALM: I think that's the  
11 winner so far for timing, so excellent work. Any  
12 questions for Abby? Thank you, Abby. Really  
13 appreciate your time and comments.

14 Next up is Alice Runde with NOC,  
15 followed by Christie Badger and then Russ Houser.  
16 Alice?

17 MS. RUNDE: Good afternoon. My name  
18 is Alice Runde; I'm the coalition manager for the  
19 National Organic Coalition. My comments today  
20 pertain to racial equity, technical support and  
21 research priorities. On racial equity, there is

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1 increasing amount of evidence regarding the  
2 persistent structural racism in our agricultural  
3 systems, including organic, which has excluded  
4 most black, indigenous and other farmers of color  
5 from farm ownership and participation in organic  
6 certification.

7 To make sure this topic receives the  
8 time and attention it deserves, we ask the NOSB  
9 to establish a diversity, equity and inclusion  
10 subcommittee to lead this work on the part of the  
11 board. The subcommittee's future recommendations  
12 could include changes that would make the  
13 certification process more accessible to farmers  
14 of color, make organic food more affordable and  
15 available, and ensure that organic farming pays  
16 living wages for farm workers and farmers.

17 Recent research shows that the cost of  
18 organic certification is a challenge for organic  
19 producers, and even more so for bi-crop farmers.

20 The NOSB should strongly advocate for  
21 well-functioning and well-funded and

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1 well-publicized organic certification cost share  
2 program.

3 We encourage the NOSB to ask the NOP  
4 to establish structure and processes that not only  
5 invites but also truly supports black, indigenous  
6 and other stakeholders of color to join the NOSB  
7 and be able to fully partake in NOSB activities.

8 The support could include cultural  
9 sensitivity or equity training for NOSB members,  
10 but also appropriate technical support. On  
11 technical support, NOC appreciates the board's  
12 work on this important topic, providing support  
13 to NOSB members with broad to work full of potential  
14 NOSB members, alleviating some of the barriers to  
15 participation. It would make a very challenging  
16 job more manageable.

17 We want the board to be appropriately  
18 representative of the Organic Community. It is  
19 important to fit the assistance to the needs of  
20 the individual NOSB members and to ensure the  
21 autonomy of the members' voice. The autonomy is

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1 threatened if assistants are hired by USDA. The  
2 NOSB should be able to choose who they would like  
3 for assistance.

4 The NOSB should also regard the public  
5 at large as a part of its support team to use of  
6 the open docket. We believe that there is value  
7 in the open docket, and that with additional  
8 assistance NOSB members could make use of this  
9 tool.

10 Finally, on research priorities, NOC  
11 thanks the material subcommittee for its work in  
12 identifying research priorities. While there are  
13 particular challenges to conducting both  
14 participatory research and on-farm research in  
15 various forms, NOC notes the importance of  
16 researchers partnering with farmers to engage in  
17 the examination of organic systems as they relate  
18 to organic as a climate change solution.

19 There is so much more to climate-smart  
20 agriculture than carbon sequestration. We  
21 encourage the board to add the following topics

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1 to the research list, pastor research,  
2 conservation tele system, P5, alternative to BPA,  
3 GE and organic crop coexistence, and various  
4 specifications for black, indigenous, Latinx,  
5 Asian, and other research farming communities.

6 All research should be approached  
7 through an equity lens, from the research design  
8 to results and interpretation.

9 CHAIR POWELL-PALM: Thank you so much  
10 for your comments. Any questions for Alice? All  
11 right. Thank you very much, Alice. Next up we  
12 have Christie Badger followed by --

13 PARTICIPANT: Hey, Jerry has a  
14 question --

15 CHAIR POWELL-PALM: Oh, I apologize.  
16 Thank you for catching that. Jerry, all yours.  
17 Oh, you're on mute, Jerry.

18 MEMBER D'AMORE: Thank you. And not  
19 specifically a question, but I just wanted to give  
20 a bit of a shout out to Alice and her group for  
21 the work that they did on the NOSB technical

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1 support. It was well-thought-out and  
2 appreciated. Thank you.

3 CHAIR POWELL-PALM: Thank you, Jerry.

4 All right. Next up we have Christie  
5 Badger followed by Russ Hauser and then Amalie  
6 Lipstreu.

7 Christie? Oh, you're on mute,  
8 Christie.

9 MS. BADGER: Thank you. Thanks, and  
10 nice to see everyone. I'm Christie Badger, and  
11 I'm a consultant with the National Organic  
12 Coalition. Thank you for your time and service  
13 on the board.

14 I'll start with oversight improvement  
15 to deter fraud. On the inclusion of crop acreage  
16 on organic certificates, we are supportive, but  
17 suggest a sound and sensible approach as outlined  
18 in our written comments. The number of animals  
19 in livestock operations should also be listed on  
20 certificates, allowing for the ratio of animals  
21 to acres of pasture to be considered.

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1                   Annotation suggestions. We encourage  
2                   the NOSB to include an ongoing work agenda item  
3                   regarding annotation changes to be considered  
4                   outside of the sunset review process. In order  
5                   to do that, there's a need for a guidance on  
6                   annotations, a reference on how they should be  
7                   written, to allow for consistency and clarity.  
8                   This work would address one of the most prevalent  
9                   issues we deal with today regarding certification,  
10                  inconsistencies among certifiers, by providing  
11                  better clarity for interpretation and allowance  
12                  for use.

13                  Carbon dioxide proposal. Send it back  
14                  to subcommittee. The petition involves two  
15                  different uses as an acidifying agent in irrigation  
16                  water in which the pH is high and as a soil or plant  
17                  amendment. At the fall 2021 meeting, this  
18                  proposal was sent back to subcommittee to address  
19                  the second issue. Unfortunately, the spring 2022  
20                  proposal includes no discussion regarding CO2 as  
21                  a plant growth enhancer, yet again.

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1           CPC, we support the recommendation of  
2           the handling subcommittee, the petition should be  
3           rejected. This petition does serve to point out  
4           an important issue that needs to be addressed,  
5           however. The notes within the handling scope are  
6           referred to as ancillary substances.

7           While the NOSB made a recommendation  
8           regarding how to handle such substances in spring  
9           2016, the NOP has failed to act on this  
10          recommendation. Currently, the NOSB has no  
11          criteria on how to act on this petition, and  
12          therefore the petition could not move forward.

13          Phosphoric acid annotation change.  
14          Phosphoric acid poses health and environmental  
15          hazards, it's not necessary and is incompatible  
16          with organic practices. The additional use should  
17          be denied.

18          Tall oil petition. The petition is for  
19          the use of distilled tall oil as a so-called inert  
20          ingredient in organic crop and livestock  
21          production. Currently the NOP has failed to act

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1 on the NOSB recommendations that would provide a  
2 framework for addressing inerts. Therefore, the  
3 NOSB has no criteria to act on this petition, and  
4 the petition cannot move forward. Thank you so  
5 much.

6 CHAIR POWELL-PALM: I see we have Amy  
7 has her hand up.

8 MEMBER BRUCH: Okay. Morning. Thank  
9 you, Christie, for your oral comments just now,  
10 and then kind of the whole gamut of NOC and all  
11 your comments, so I really appreciate it. You  
12 mentioned consistency and clarity is very  
13 important, and I would agree with that, it's  
14 important across the whole community.

15 Abby mentioned that HSN, the highly  
16 soluble nitrogen practice standard is clear from  
17 NOC's point of view. So that was helped to hear  
18 that. The one thing I wanted to ask you on the  
19 annotation piece, I think that's a great addition  
20 to your comments, this living document about some  
21 of the work in progress on annotations that need

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1 to be addressed. Is it possible to maybe work  
2 through a prioritization list on that? I think  
3 they're probably all important to do to tomorrow,  
4 but just so we can potentially balance, you know,  
5 those needs, in addition to the other work agenda  
6 items, I think it would be helpful to maybe get  
7 a priority list.

8 MS. BADGER: Amy, thanks for asking.

9 And I think that if that is something that you  
10 guys think would be helpful, we could certainly  
11 do that. I think we intentionally didn't do  
12 anything like that, thinking that, there might be  
13 areas of interest. You know, somebody on the board  
14 might say oh, I'm interested in this one. Hey,  
15 how about we address this one next meeting?

16 But we can certainly, you know, easily  
17 do something like that. And then you guys can look  
18 at them and skip over as you see fit or whatnot.

19 But thanks for asking about that, and we just  
20 thought that it could be helpful. Every time we  
21 review sunset materials we, a lot, suggest, and

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1 others do as well, oh, an annotation change would  
2 be helpful here or -- and then they don't get me  
3 because they're outside of the sunset process.  
4 So we were just trying to kind of put forth another  
5 one of those low-hanging fruit items, because there  
6 are a lot of heavy lifts that you guys work on,  
7 but this one is, would be a little bit lighter lift,  
8 maybe.

9 MEMBER BRUCH: Thank you. Appreciate  
10 that, Christie.

11 MS. TUCKER: Is everybody else frozen,  
12 or am I?

13 MEMBER BRUCH: Oh, I can hear you.

14 MS. TUCKER: Okay. It looks like  
15 Nate's frozen. I'm not sure.

16 MS. ARSENAULT: He just did text and  
17 say everything froze --

18 MEMBER BRUCH: Yes, it is frozen. Did  
19 you get back, Nate?

20 CHAIR POWELL-PALM: My apologies.  
21 I'm back.

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1 MEMBER BRUCH: Okay, great.

2 CHAIR POWELL-PALM: Any other  
3 questions for Christie? Thank you, Amy.

4 All right. Thank you so much,  
5 Christie, for all of your work.

6 MS. BADGER: Thank you.

7 CHAIR POWELL-PALM: And for always  
8 packing so much into your comments, and I really  
9 appreciate it. No time wasted.

10 Next up we've got Russ Hauser, followed  
11 by Amalie Lipstreu, and then Julia Barton. Russ,  
12 the floor is yours.

13 MR. HAUSER: Yes. Thank you very much  
14 for the opportunity to comment. I'm Russ Hauser,  
15 a professor at Harvard Chan School of Public Health  
16 and Harvard Medical School.

17 Today I'm speaking as part of Project  
18 TENDR. It's a collaboration of scientists, health  
19 professionals, and advocates concerned with toxic  
20 chemicals that can harm children's brain  
21 development. I spent over two decades researching

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1 the human health impacts of a class of industrial  
2 chemicals called phthalates, which are widely used  
3 in food processing and packaging.

4 Last year, several of us in Project  
5 TENDR published an article in the American Journal  
6 of Public Health, identifying phthalates as  
7 neurotoxic chemicals that can do lasting harm to  
8 child brain development and increase children's  
9 risk for learning, attention and behavior  
10 disorders. In particular prenatal exposure to  
11 phthalates are associated with attention problems  
12 in children.

13 In the last 2 years, since we reviewed  
14 the evidence, more than 30 new human studies have  
15 been published, fighting an association between  
16 phthalates and problems with children's cognition,  
17 attention and behavior. Phthalates have also been  
18 long known to harm reproductive organs in boys,  
19 specifically reproductive tract development.

20 Women, children and men are exposed to  
21 multiples phthalates every day. Black and Latina

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1 women of reproductive age have higher exposure to  
2 phthalates as compared to white women, regardless  
3 of income level. And we know that phthalates  
4 readily transfer from the mother to the fetus.

5 While regulatory action has eliminated  
6 or reduced some phthalates from children's toys  
7 and cosmetics, diet remains a primary source of  
8 exposure. Phthalates have been shown to leach  
9 into food from plastic equipment such as tubing,  
10 lid gaskets, food preparation gloves, conveyor  
11 belts, bottle caps and packaging materials.  
12 Phthalates leach into organic food just as they  
13 leach into non-organic food.

14 For example, the organic food company  
15 Annie's Homegrown has determined that Phthalates  
16 detected in their macaroni and cheese products are  
17 coming from processing equipment and packaging  
18 materials. These harmful chemicals should not be  
19 permitted in any food production and packaging  
20 materials.

21 Moreover, the organic label

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1 appropriately holds organic food production and  
2 packaging to a higher standard. Consumers expect  
3 organic food to be free of introduced toxic  
4 chemicals. Because phthalates leach from food  
5 contact materials into food and people are widely  
6 exposed to multiple phthalates, with higher  
7 exposures to women of color, and rapidly  
8 accumulating evidence finds levels of phthalates  
9 can do lasting harm to children's brain, we request  
10 the NOSB to prohibit phthalates from use in food  
11 production and packaging, to prevent the  
12 inevitable introduction of synthetic harmful  
13 chemicals into organic food.

14 I thank you for considering this  
15 request, and happy to answer any questions you may  
16 have.

17 CHAIR POWELL-PALM: Thank you very  
18 much for your comments. Any questions? Amy --

19 MEMBER BRUCH: Russ, thank you so much  
20 for being here today and your written and oral  
21 comments, and the collaborative effort of the

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1        comments that you had.

2                    I just have a question.  You mentioned  
3        the importance of food packaging and food contact  
4        materials to look at the elimination of these  
5        products.  Do we need to cast a wider net and also  
6        look at some of the non-food products in the organic  
7        community as well?  Just because I believe the \$62  
8        billion industry that our organic community  
9        represents is food and non-food, you kind of  
10       mentioned the packaging equipment, but I mean I'm  
11       even seeing on, you know, some shampoos and things  
12       like that, that have potentially some of these  
13       chemicals involved in those.

14                   MR. HAUSER:  Yes.  So, so phthalates  
15       are found in many different products.  I mean,  
16       you're referring to personal care products.  I  
17       mean, they're founded in soaps and shampoos and  
18       perfumes, deodorants, et cetera.  So that's  
19       another source of exposure.

20                   For some of the phthalates though food  
21       is a primary source of exposure, specifically one

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1 of the phthalates called DEHP, di(2-ethylhexyl)  
2 phthalate, which is used as a plasticizer to soften  
3 vinyl, plastic, or PVC plastic, and it leached out  
4 of that plastic, so if it's in contact with foods  
5 or grain, cetera. The vinyl plastic is about 30  
6 percent by weight phthalates and it's not  
7 covalently down, which means it's not a chemical  
8 bond, so will leach out into products.

9 I don't know if that's specifically  
10 what you were getting at or -- with this, you know.

11 MEMBER BRUCH: Yes, that was helpful.

12 MR. HAUSER: Phthalates are in  
13 probably thousands of different products, but for  
14 some of them, especially DEHP, we clearly know that  
15 food is a primary source for human exposure.

16 MEMBER BRUCH: Okay. Thank you.

17 CHAIR POWELL-PALM: Thank you for that  
18 question, Amy.

19 Javier?

20 MEMBER ZAMORA: Thank you. Yes, I  
21 guess I'm not, I thought I was mute.

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1 Russ, thank you so much for your  
2 comments. You partially answered that question  
3 when you were answering to Amy. But I wanted to  
4 -- first of, I'm a farmer, I'm not a scientist,  
5 and we rely heavily sometimes on scientists to tell  
6 us what's going on and how sometimes organic food,  
7 when it's packaged, gets changed into non-organic.

8 You said several things in how minority  
9 communities are involved, are impacted by these  
10 leaching chemicals in our food. Can you give me  
11 -- I know you gave some examples to shampoos and  
12 that sort of thing. I can tell you that, in my  
13 head I was thinking of when you get a bottle of  
14 water and you keep it under the sun, when we're  
15 out on the field, and then you drink later out of  
16 it and it tastes different. So there must be, you  
17 know, some sort of leaching there. So I just  
18 wanted to hear a little more on how communities  
19 of color and perhaps lower-income communities are  
20 impacted in a heavier way? Thank you.

21 MR. HAUSER: Sure. Sure. Thanks for

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1 the question. So communities of color and  
2 low-income do have higher exposure, and a lot of  
3 this data comes from so something called NHANES  
4 the National Health and Nutrition Examination  
5 survey, NHANES. That is a survey that the CDC  
6 does, and they measure concentrations of chemicals  
7 and metals in several thousand U.S. citizens each  
8 year, and it clearly shows higher levels of  
9 phthalates as well as other chemicals and metals.

10 And the sources of these are probably  
11 multifold, they're probably coming from, you know,  
12 foods and food packaging and the different types  
13 of foods that are available to these communities,  
14 also coming from, you know, different products that  
15 they may use in terms of personal care products  
16 as well. And then of course, there's, you know,  
17 other sources, from pollution and other sources  
18 as well. But the NHANES data, you know, clearly  
19 shows differences, and especially for some of the  
20 phthalates among these communities having higher  
21 levels in their body.

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1                   MEMBER ZAMORA: Thank you. And I just  
2 wanted to mention something, maybe it's a little  
3 typo for people that are doing the writing on the  
4 screen, when he talks about phthalates on this,  
5 it's saying solid. So I think we probably need  
6 to fix this because it's a big difference there.

7                   MR.           HAUSER:                   It's  
8 P-H-T-H-A-L-A-T-E-S. Thank you, Javier for that.

9                   CHAIR POWELL-PALM:        You can get  
10 close-captioning, yes.

11                  MR. HAUSER: Yes.

12                  CHAIR POWELL-PALM: Thank you, Javier  
13 for that question.

14                  Rick? Oh, and you're on mute, Rick.

15                  MEMBER GREENWOOD:        Follow up on  
16 actually what Javier brought up. So I'm curious  
17 though, have there been some real epidemiological  
18 studies on phthalates and the racial disparities?

19                  I know there's the NHANES study, but has it been  
20 more closely examined just for the phthalates to  
21 see where people are getting them by racial

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1 differences? You know, is it food habits, is it  
2 industrial or is it where individuals live? I  
3 mean, do you have, have you looked more closely  
4 at that?

5 MR. HAUSER: Yes. There are studies  
6 that have -- Rick, thanks for that question, that  
7 have looked at differences or explanations for the  
8 differences. There's work that Ami Zota has done,  
9 Z-O-T-A, and she's focused a lot on, you know,  
10 racial, ethnic differences, income differences in  
11 terms of exposures.

12 And the three things you mentioned are  
13 really explaining it, which includes the, you know,  
14 foods in terms of, you know, consuming more foods  
15 that are packaged or processed in certain ways,  
16 the personal care products, and then also where  
17 they live, where their communities are in terms  
18 of if they're, you know, close to industrial sites  
19 or pollution.

20 So there are studies in the peer  
21 reviewed literature that do identify these

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1 different sources. Some have focused more on food  
2 than others. Others have focused more on the  
3 personal care products that have been used.

4 MEMBER GREENWOOD: Okay. So, again,  
5 focusing more closely than on the phthalates in  
6 pollution, is that an air quality issue or are you  
7 saying it becomes a water issue, in municipal  
8 waters? What's the explanation for that?

9 MR. HAUSER: Yes. So phthalates, as  
10 compared to other chemicals, I think primary routes  
11 and sources of exposure are really more from the  
12 products that we come in contact with in the food,  
13 less so from air and water, even though the  
14 phthalates do end up in air and water, but the  
15 contribution to human exposure from those is  
16 considered low as compared to, you know, other  
17 pollutants, such as from water. Phthalates, I  
18 would say, I would classify them more as, you know,  
19 exposure from consumer products and foods as a  
20 primary -- yes.

21 MEMBER GREENWOOD: Okay. Yes, it's

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1 interesting. I used to run an analytical  
2 chemistry lab, and you couldn't get water without  
3 phthalates. I mean --

4 MR. HAUSER: Oh, yes, yes.

5 MEMBER GREENWOOD: It's almost  
6 impossible. So I know they're widespread, but I  
7 was just curious about these.

8 MR. HAUSER: Yes. I mean, that's  
9 interesting because I first got into this research  
10 in early 2000, working with some scientist at the  
11 CBC, and we were actually looking at measuring  
12 different classes of chemicals, and they kept  
13 having traces of contaminant in the water and the  
14 reagents in the lab just because they're so  
15 ubiquitous.

16 So what you, you know, just pointed out  
17 is still true today and really led to kind of a  
18 lot of the interest in research in phthalates  
19 because they're so widespread and ubiquitous, in  
20 our environment and also in people.

21 MEMBER GREENWOOD: Okay. Thank you.

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1 MR. HAUSER: Sure.

2 CHAIR POWELL-PALM: Brian?

3 MEMBER CALDWELL: Yes. Thanks, Russ,  
4 for bringing up this issue. I really hope we can  
5 address it, but I had a quick follow-up to Javier's  
6 question. I have always wondered what it was the  
7 favors (phonetic) that you get from water. And  
8 it seems like they're, you know, definitely in the,  
9 you know, parts per million or higher range because  
10 we can taste them pretty clearly.

11 MR. HAUSER: So, you were asking the  
12 question about, Javier was asking about, you know,  
13 bottled water when it's in heat and sunlight.

14 MEMBER CALDWELL: Yes, yes.

15 MR. HAUSER: Yes.

16 MEMBER CALDWELL: Exactly.

17 MR. HAUSER: Yes, so probably more than  
18 you want to know, or, you know, it's as -- I'm a  
19 physician that actually got into research looking  
20 at human health effects, but quickly learned that  
21 there was a lot to learn in terms of polymer

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1 chemistry. So, a lot will depend on the type of  
2 plastic that the water is in, in terms of what  
3 chemicals may leach out from the plastic into the  
4 beverage or the water that you're drinking.

5 If you're referring to those, you know,  
6 the typical bottles that you buy in convenience  
7 stores, et cetera, grocery stores, those are  
8 actually made from a different material that does  
9 not contain what we call ortho-phthalates, but it  
10 is a different type of plastic, it's a polyethylene  
11 terephthalate, it's not an ortho-phthalates sorry  
12 for a lot of the organic chemistry. But it's a  
13 different type of plastic and it contains both,  
14 you know, antioxidants, it's also contains  
15 antimony, which is a metal.

16 And there's been studies that have been  
17 done. I'd worked with actually a group in Cyprus  
18 where, you know, they have extremely hot summers  
19 and strong solar amounts, you know, and we were  
20 able to measure in these plastic bottles higher  
21 levels of chemicals, including Bisphenol A

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1 specifically. But the bottles you're probably  
2 referring to, if you look on the bottom of the  
3 bottle, you'll see that it says PET, you know, where  
4 the recycling label is, that's polyethylene  
5 terephthalate. Even though it has the word  
6 phthalate in it, it's not the ortho-phthalate that  
7 I'm referring to when we talk about the harmful  
8 effects to children's brain development. But  
9 there are many other chemicals in those bottles.  
10 And the heat and the sunlight will increase  
11 leaching of the chemicals into the water or fluid  
12 that's in the bottle. Does that answer, Brian,  
13 what you were kind of getting at in Javier --

14 MEMBER CALDWELL: Yes, thanks a lot.  
15 We might consider here, yes.

16 MR. HAUSER: Yes. It becomes --

17 CHAIR POWELL-PALM: We're going to  
18 have

19 MR. HAUSER: -- very quickly.

20 CHAIR POWELL-PALM: We're going to  
21 have to keep going. But if we have additional

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1 resources, Dr. Hauser's contact information is  
2 available to members who can reach out directly.

3 All right. Moving on. Amalie  
4 Lipstreu, followed by Julia Barton, and then Astrid  
5 Jacobs de Padua.

6 MS. LIPSTREU: Thank you, Nate. Good  
7 afternoon, members of the National Organic  
8 Standards Board. I'm Amalie Lipstreu, policy  
9 director at the Ohio Ecological Food and Farm  
10 Association. I really want to thank you as a board  
11 for taking leadership on the role of organic  
12 agriculture in addressing climate change and food  
13 systems resilience.

14 It's heartening that increasingly  
15 among the scientists' organizations and  
16 conservation professionals I have the privilege  
17 of working with, they increasingly speak of the  
18 need to use systems thinking in addressing the  
19 problem of climate change. Despite the growing  
20 prevalence of the term regenerative agriculture,  
21 we know that it offers no uniform standards, no

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1 governing body and no oversight.

2           Organic agriculture, as we all know,  
3 is the only system of agriculture offering that,  
4 plus the synergistic suites of practices that make  
5 this voluntary system of agriculture a key solution  
6 for the climate crisis.

7           Unfortunately, as we have seen, the  
8 U.S. Department of Agriculture is reticent to say  
9 anything that might confer benefits to organic  
10 systems. Your letter to the secretary was both  
11 well-timed and sorely needed. Unfortunately, the  
12 response from the director is to add this item to  
13 her work agenda, along with a number of heady  
14 questions to answer. As stated in OEFFA's written  
15 comments, this could be the sole item on the board's  
16 agenda for years and still leave room for more  
17 discussion and research. We're happy to see you  
18 take on this subject and at the same time make your  
19 concerns known to USDA leadership, that this is  
20 the work of the department as a whole and should  
21 not rest on the shoulders of a part time volunteer

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1 board.

2 Please know that we will do everything  
3 we can to ensure you have access to the farmers,  
4 researchers and resources you need to do this work,  
5 and also encourage you to continue asking USDA to  
6 commit staff and resources to this effort as well.

7 And importantly, break the code of silence around  
8 the numerous co-benefits of organic agriculture.

9 Also, as we promote the role of organic  
10 agriculture, providing solutions to the climate  
11 crisis, we need to caution that hydroponic systems  
12 are dependent on the highly soluble nitrogen  
13 fertilizers and not the kind of systems approach  
14 supportive of climate change solutions.

15 And finally, we do support the proposal  
16 from the board to limit highly soluble nitrogen  
17 fertilizers with carbon-to-nitrogen ratios of  
18 three-to-one or less, including those individual  
19 components of blended fertilizer formulations.  
20 And our certification colleagues have reviewed the  
21 language and feel comfortable with monitoring and

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1 enforcing those provisions. Thank you for your  
2 time.

3 CHAIR POWELL-PALM: Thank you for your  
4 comments. Any questions for Amalie? All right,  
5 seeing none we'll keep going. Thank you, Amalie.

6 Julia Barton is up next. Astrid Jacobs  
7 de Padua, if you are here, if you are here, would  
8 you make yourself known please just put something  
9 in the chat box. We're not seeing you. And then  
10 Harold Austin after that.

11 So, Julia, the floor is yours.

12 MS. BARTON: Thank you, Nate. Hi,  
13 everybody. Welcome new board members. It's nice  
14 to meet you virtually. I am Julia Barton with the  
15 Ohio Ecological Food and Farm Association. I'd  
16 like to highlight a few comments, a few topics from  
17 our written comments today. First, hydroponic and  
18 container systems, OFFEA is part of a group of  
19 certification, education and policy organizations  
20 who agree that soil is the foundation of organic  
21 agriculture and who strive to achieve consistency

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1 in our organizational policies related to  
2 certificate and certification decisions. Because  
3 aeroponic hydroponic and crops grown to maturity  
4 in containers do not comply with OFFEA and because  
5 there is significant inconsistency in the way these  
6 forms of production are being handled by organic  
7 certifiers presently, we urge the board to call  
8 for a moratorium on the certification of these  
9 operations until we can utilize our existing NOSB  
10 and rulemaking process to move forward with greater  
11 consistency.

12 The timing and format of meetings. We  
13 need more farmer participation in the NOSB process.

14 To this end, OFFEA's grain grower chapter has  
15 continually requested an alternative to the  
16 current meeting schedule. Most recently, they  
17 have proposed moving the schedule back 2 weeks each  
18 meeting. This would mean the meeting would rotate  
19 throughout the year, equally benefiting and  
20 inconveniencing various stakeholders over time.

21 We believe farmer participation is also

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1 a priority of the board. And we're wondering how  
2 we can work together to ensure that the meetings  
3 are scheduled to maximize input from a variety of  
4 organic production systems and producers across  
5 the country.

6 Racial equity. OFFEA appreciates the  
7 work of the current administration to bring equity  
8 issues to the fore within USDA, and the efforts  
9 of our colleagues at NOC and others to bring these  
10 issues to light within the organic community. We  
11 support NOC's racial equity comments and have the  
12 following two specific requests.

13 We request the board establish a  
14 diversity, equity and inclusion subcommittee  
15 within the NOSB. We also request the board add  
16 fairness standards to the NOSB work agenda or work  
17 through the process to add them to the work agenda  
18 and then work to develop them.

19 Finally, highly soluble nitrogen  
20 fertilizers. Organic agriculture is a systems  
21 approach which is intended to feed the soil not

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1 the crop. OFFEA appreciates the board's thorough  
2 work on this topic and supports the addition of  
3 this motion to 205-105. Our certification  
4 department anticipates being able to manage this  
5 restriction much as they did with sodium nitrate  
6 in the past. They feel confident that we as a  
7 community, farmers and certifiers can work this  
8 out. You'll be hearing from several OFFEA farmers  
9 directly on Thursday. Thank you again for your  
10 time and for your service.

11 CHAIR POWELL-PALM: Thank you for your  
12 comment, Julia.

13 Logan has a question.

14 MEMBER PETREY: Hi, thank you, Julia.

15 So, there are some farmers on the board and we  
16 all agree that sometimes April and October are very  
17 tough, you know, to make it. So, just curious, when  
18 you said the 2 weeks prior, are you meaning each  
19 year 2 weeks prior again, is that what you're  
20 implying to make it different.

21 MS. BARTON: Yes, ma'am. That was one

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1 suggestion by the Grain Growers Chapter. I think  
2 that was Eli, Dean, maybe a meeting or two ago.  
3 But it was just one idea.

4 MEMBER PETREY: Yes.

5 MS. BARTON: They've proposed several  
6 ideas over time, because we feel strongly that it's  
7 not really fair to just ask the farmers to multitask  
8 while they're doing everything else that they're  
9 doing in the spring. And we also recognized that  
10 different growers have different busy times of the  
11 year. So, it would be fair if we rotated the  
12 meeting, so kind of like Ramadan or, you know,  
13 various other lunar calendar holidays, it would  
14 move throughout the year.

15 MEMBER PETREY: Sure. I mean, yes, it  
16 is tough. These times of year are our busiest  
17 times here in the southeast. I know it is in other  
18 places. But it was an interesting concept. I  
19 appreciate it. Thank you.

20 MS. BARTON: Yes, ma'am. Thank you.

21 CHAIR POWELL-PALM: Thank you, Logan.

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1 Amy?

2 MEMBER BRUCH: Thank you, Nate.  
3 Julia, thank you. I appreciate all of this  
4 comments, the written ones and the near-recurrent  
5 oral comments as well. Hopeful to hear that the  
6 practice standard for HSN is clear from your  
7 certifying perspective. Had a question, it was  
8 geared towards your written comments on one of the  
9 CACS' work agenda items. OFFEA, I know, is  
10 currently capturing acres by products on  
11 certificates. And there was some comments just  
12 in general from the community that, you know, that  
13 particular question it can work very easily for  
14 grain farmers. I know your written comments, you  
15 mentioned how potentially that could be handled  
16 for livestock. I was wondering if you had any best  
17 practices on how you guys are doing acre collection  
18 by crop for small acres and mixed vegetables?

19 MS. BARTON: Sure, that's a good  
20 question. We did have that conversation  
21 internally. And I'm not sure if we spelled it out

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1 in our written comments. So, if it's very small  
2 acreages of mixed vegetables, we generally list  
3 it as mixed vegetables on the certificate. If  
4 someone has a contract with a grocery store, chain  
5 or a large grocer where the grocer is requiring  
6 for, or any buyer is requiring, for instance, that  
7 those products are listed individually, then we're  
8 happy to do that as well.

9 If anybody's got large quantities of  
10 a certain crop, we definitely want to make sure  
11 that we do that. But if we've got an, you know,  
12 let's just say an acre, 3 acres or less of mixed  
13 vegetables, we generally list it as mixed  
14 vegetables. But if we have questions from buyers,  
15 we're happy to provide additional documentation  
16 in support to the grower, certainly.

17 MEMBER BRUCH: Okay. Wonderful.  
18 Thank you, Julia, appreciate it.

19 MS. BARTON: Yes, ma'am. Thank you.

20 CHAIR POWELL-PALM: Thank you for that  
21 question, Amy. Javier?

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1                   MEMBER ZAMORA:    Julia, thank you so  
2                   much for taking the time, and your comments.  As  
3                   a founder, I feel that we get really good support  
4                   from organizations like yourself, that I frankly  
5                   believe that the NOSB does need to pay a little  
6                   closer attention to the farmers' needs, especially  
7                   the working farmers that, I can tell you about  
8                   myself, speaking about myself, how difficult it  
9                   is to really feel like you're being given the best  
10                  you can to support the decisions that have been  
11                  -- that are on the table to be decided on.

12                  And when you have a working farm, you  
13                  work 24/7, this includes Sundays.  I think I can  
14                  tell you that on only Sunday after 5 p.m. it's my  
15                  day off.  So, when all these needs that the board  
16                  requires you to go through different sources of  
17                  research and different readings, not to mention  
18                  the time away from the farm, it's very difficult  
19                  for a working farm.

20                  If you're a retiree, you're okay, you  
21                  need something to do.  But when you are depending

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1 on, you know, 50, 60 people are depending on what  
2 you do, on a working farm that is family-owned,  
3 it --

4 CHAIR POWELL-PALM: Thank you for  
5 that, Javier. It blacked out there for a second.  
6 Is that where you finished?

7 MEMBER ZAMORA: Yes, that's fine.

8 CHAIR POWELL-PALM: Sorry about that.  
9 Yes. Okay. Thank you, Julia. I will just give  
10 a shout out to the OFFEA Grain Growers Chapter that  
11 despite it being inconvenient, you all still  
12 participate, which I'm very grateful for. I  
13 myself was farming in a blizzard right before we  
14 got on here, and it is never convenient, crops need  
15 to get in, but I appreciate everyone who still shows  
16 up. All right. Thank you, Julia.

17 Astrid, I don't think we were able to  
18 locate you. Please send a shout on e-mail if you  
19 are on, and we'll try to fit you in. Next up will  
20 be Harold Austin; followed by David Epstein, if  
21 you're on, I think David we weren't able to locate

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1 either; followed by Jaydee Hanson.

2 So, Harold, the floor is yours.

3 MR. AUSTIN: All right. Thanks, Nate.

4 Good morning, everybody. My name is Harold  
5 Austin -- or good afternoon, I guess, depending  
6 on where you're located. My name is Harold Austin.

7 I serve as the chair of the Science Advisory  
8 Committee for the Northwest Horticultural Council,  
9 as well as their organic subcommittee. I'm the  
10 director of orchard administration for Zirkle  
11 Fruit Company, located here in Selah, Washington.

12 CHAIR POWELL-PALM: I apologize,  
13 Harold. Michelle, it seems like the timer didn't  
14 start.

15 MR. AUSTIN: I'm okay with that.

16 CHAIR POWELL-PALM: Yes, I know. I  
17 was going to say that.

18 MS. ARSENAULT: I usually start it  
19 after name and affiliation. He's still going with  
20 that affiliation.

21 CHAIR POWELL-PALM: Oh, okay, okay,

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1       sorry, sorry. Go ahead. I apologize.

2                   MR. AUSTIN: Okay. My comments of  
3 support are on behalf of the organic crop producers  
4 and handlers here in the Pacific Northwest and  
5 across the country. I wish to begin by thanking  
6 all of you serving on the NOSB for taking the time  
7 to take and share in the duties of this tremendous  
8 responsibility. Thank you, each of you.

9                   For handling, I support the relisting  
10 of nitrogen and carbon dioxide. Both of these are  
11 used in our controlled atmosphere storage of our  
12 organic apples, to slow down fruit respiration.

13       We would not be able to compete with conventional  
14 apples, which have a plethora of materials to use  
15 in later marketing timeframes without the use of  
16 these two materials, they are crucial in our  
17 packing and storage of operations of our organic  
18 apples.

19                   For crops, please see the two documents  
20 that I submitted which provide detailed  
21 description in support of several materials, some

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1 of which are micronutrients, sticky traps,  
2 coppers, humic acids, polyoxin D zinc salt and  
3 several others, all of which we currently use in  
4 our organic farming operations.

5 For the CACS, the discussion document  
6 on the NOSB Technical Support Initiative, while  
7 I wholeheartedly support the concept of providing  
8 additional assistance to the NOSB members, I'm 100  
9 percent against outsourcing this assistance to any  
10 university or nonprofit personnel. Both of these  
11 scenarios involve entities that do not fall under  
12 the same federal oversight and scrutiny as the AMS  
13 or the NOP.

14 Both also potentially could fall prey  
15 to outside influences that potentially further  
16 erode stakeholder trust in the NOSB process. By  
17 building technical supports from within the staff  
18 of the NOP or the USDA, you were building for their  
19 future. And by that I mean selecting a selected  
20 staff personnel for maybe a couple people to serve  
21 on the various subcommittees, begin to build

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1 historic knowledge around each of the materials  
2 that extend the decision-making process involving  
3 those materials. This then becomes an  
4 unbelievable source of information of facts,  
5 discussions, issues related around each of these  
6 materials. While the NOSB members eventually will  
7 sense that off themselves, hopefully the staff will  
8 remain, that's providing a critical and valuable  
9 resource for the future NOSB members that follow  
10 in their place.

11 When I served on the NOSB, we had a  
12 tremendous resource in Emily Brown Rosen, she was  
13 absolutely amazing. Her historic knowledge of the  
14 materials, the discussions around each material  
15 was absolutely phenomenal and gave us information  
16 that we couldn't find otherwise. Please build for  
17 the future and realize that the decisions that you  
18 are involved in making impact organic growers,  
19 packers, producers, their ability to compete, let  
20 alone to stay in business.

21 As far as allocations, I urge caution

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1 to not be overly prescriptive or restrictive on  
2 the various materials that you're going to be  
3 voting on. God bless, and have a safe and  
4 wonderful spring meeting.

5 CHAIR POWELL-PALM: Thank you so much,  
6 Harold.

7 Brian has his hand up.

8 MEMBER CALDWELL: Yes, thanks, Harold.

9 I think we're really going to struggle with this  
10 issue of kind of who's kind of eligible to be  
11 advising or and doing technical assistance to the  
12 NOSB. But you mentioned Emily Brown Rosen and Zea  
13 Sonnabend as fantastic resources, but they would  
14 be unavailable if we had to rely on USDA or  
15 university staff. And so, they're still around,  
16 they still know just as much as they did before,  
17 but we wouldn't be able to use people like them.

18 And so, I'm just wondering if you feel like the  
19 sort of pool could be expanded a little bit.

20 MR. AUSTIN: You know, Brian, yes, I  
21 wouldn't be against that. I guess, I would just

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1       urge caution on what that pool would look like.

2       I think one of the reasons I stay within the  
3       process whether it's USDA, NOP, AMS, is that your  
4       billing staff resource that then can be utilized  
5       for individuals following in your footsteps at a  
6       later date and time. Emily at the time, she was  
7       employed as a staff member of the NOP. So, I mean,  
8       so I mean, that's why I fall into that, but I'm  
9       critical of going too far outside the scope of  
10      control within AMS, NOP itself, just because then  
11      there's other outside influences that become a  
12      factor within that.

13                One of the things that I didn't mention  
14      in my oral comments, that I mentioned on written  
15      was there's also the use of working groups, like  
16      we had the tree fruit working group when we were  
17      dealing with the antibiotics. I don't think that  
18      the NSOB is utilizing that process or being allowed  
19      to utilize that process anywhere near as much as  
20      you should be able to. I think that's a valuable  
21      resource that you guys really need to take and have

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1 a talk with the NOP and see about how do you  
2 implement that on the various subcommittees and  
3 utilize that as another tool and resource, its  
4 value.

5 MEMBER CALDWELL: Thanks, Harold.

6 CHAIR POWELL-PALM: Thank you for that  
7 question, Brian. Rick?

8 MEMBER GREENWOOD: Yes. Thanks,  
9 Harold. And I completely agree with you. I think  
10 when I joined the NOSB, about, you know, almost  
11 5 years now. The ability to have NOP staff give  
12 you the historical context for the decisions that  
13 were made, I think was invaluable. And I think  
14 that's something, especially for new board  
15 members, where you really can rely on people that  
16 don't have a vested interest in the outcome. So,  
17 I agree with you. Thanks.

18 MR. AUSTIN: And Rick, one of the  
19 things, circling back around a little bit to  
20 Brian's would be, if you wanted to expand the pool  
21 from which you could draw those resources from,

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1        maybe it's a pool that's made up of past NOSB  
2        members. That might be another option that could  
3        help provide some of that information and some of  
4        those resources for you.

5                    MEMBER GREENWOOD: No, thanks.

6                    CHAIR POWELL-PALM: Thank you for  
7        that, Harold. It's a big topic. I think it's  
8        going to be very impactful for all of us. So, thank  
9        you for your insights.

10                   I don't think we're seeing David  
11        Epstein, we're going to move on to Jaydee Hanson,  
12        and then followed by Harriet Behar before we break.

13                   So, Jay, you on.

14                   MS. ARSENAULT: On the call, let's see  
15        if he's having trouble. Oh, there you are.  
16        Jaydee, we can't hear you. Although you don't have  
17        a red X through your microphone. No, not now.

18                   CHAIR POWELL-PALM: No. Still no  
19        volume, nope.

20                   MR. HANSON: Can you hear me now?

21                   CHAIR POWELL-PALM: There we go.

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1                   MR. HANSON:    Okay.    It must be my  
2    headset.    Technology does not always help us.  
3    Even though it's -- so I'm using half the technology  
4    I had.

5                   I'm Jaydee Hanson, I'm the policy  
6    director at the Centre for Food Safety.    We are  
7    a longtime supporter of Organic Program.    Wanted  
8    to comment quickly on two things.    One, we very  
9    much would like the National Organic Program to  
10   finalize as regulations, it's the excluded methods  
11   language that the NOSB has been going through for  
12   the last -- well, since 2016.    We think basically  
13   with the addition of language in vitro nucleic acid  
14   technologies,    replacing    recombinant    DNA  
15   technology,    that would set up a situation where  
16   the new methods that came in would be weighed  
17   against the -- standard is, you know, was it derived  
18   from techniques of in vitro nucleic acid  
19   technologies and that would help with the immediate  
20   discussions around cell fusion and protoplast  
21   fusion, but also gene editing and other process

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1 as well.

2 We do think that it's time that this  
3 be part of the regulations related to OFFEA, not  
4 just guidance documents, not just advice to  
5 certifiers. On biobased mulch, we are concerned  
6 about the increased use of nanochemicals in  
7 biobased polymers, we support biobased polymers  
8 but we think that as the NOSB looks at them, they  
9 need to make sure that nano cellulose, nano clays  
10 and other nano ingredients in plastics be assessed  
11 and not migrate out of the plastics into the soil  
12 or out of the plastics into foods.

13 So, we are also very concerned about  
14 workers breathing nano clay and nano cellulose as  
15 they work with these products. And you have way  
16 more in our discussions. And finally, for the last  
17 several meetings we've urged the NOSB (audio  
18 interference.)

19 CHAIR POWELL-PALM: All right. So  
20 much for your comments, Jaydee. Any questions  
21 from our members? Seeing none, we're going to move

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1 on to Harriet Behar, and then we're going to take  
2 a break. Following the break we'll have Beth Rota,  
3 Lee Frankel and then Jake Evans. Harriet? Oh,  
4 yes.

5 MR. EPSTEIN: This is Dave Epstein.  
6 I apologize sincerely, I had it on my schedule for  
7 noon.

8 CHAIR POWELL-PALM: All good.

9 MR. EPSTEIN: I was just involved with  
10 an interview for a candidate we're hiring in  
11 Washington State and someone called me and said  
12 you folks were calling my name. So, I'm really  
13 sorry I'm late. But if there's an opportunity,  
14 I'm here, I can present.

15 CHAIR POWELL-PALM: Yes, we'll work  
16 with the NOP team to fit you in. So, please stand  
17 by.

18 MR. EPSTEIN: Yes, thank you.

19 CHAIR POWELL-PALM: Harriet, all  
20 yours.

21 MS. BEHAR: Hi, my name is Harriet

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1 Behar, organic farmer, environmental advocate and  
2 former NOSB member. The NOSB spends much of its  
3 time discussing inputs for use in organic  
4 production, and many people understand organic  
5 agriculture only through the lens of what inputs  
6 are or what are not allowed to be used on crops  
7 and as ingredients.

8 Let us not forget that organic is a  
9 system of agriculture, and it is that system of  
10 cultural, biological and mechanical practices that  
11 promotes ecological balance, recycles nutrients  
12 and enhances biodiversity. It is the  
13 systems-based approach of organic that provides  
14 the numerous environmental, economic and human  
15 health benefits when compared to non-organic.

16 The allowance of highly soluble  
17 nitrogen without restriction would start organic  
18 down the path of reliance on inputs rather than  
19 systems, resulting in dubious benefits and  
20 negative consequences.

21 As a longtime organic farmer and

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1 inspector, I believe the tools for implementing  
2 the proposal as written are readily available with  
3 much of the information already provided in the  
4 proposal. Only fertility inputs that are close  
5 to the three-to-one carbon ratio would need to be  
6 scrutinized during the annual certification  
7 review. And there is abundant information  
8 available to aid growers and certifiers in  
9 determining the annual nitrogen needs of just about  
10 every crop grown.

11 I have done many inspections where I  
12 needed to review the sodium nitrate used and its  
13 provision for 20 percent of the nitrogen needs of  
14 the crop. While it can be cumbersome, it is not  
15 impossible. Many inspectors have developed  
16 spreadsheets to do the calculations, speeding up  
17 review, especially when there are numerous crops.

18 Just as manufacture in the past of chicken manure  
19 pellets quickly learned to supply information to  
20 their organic clients on the heat treatment used  
21 for their products to be applied on crops for human

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1 consumption without a wait time.

2 The limited amount of fertility  
3 suppliers who would be affected by this rule would  
4 need to supply the C-to-N ratio to organic  
5 operators and certifiers. In short order, these  
6 suppliers will quickly learn this organic  
7 requirement and the info will be readily available.

8 All inputs must be reviewed within the context  
9 of the long- and short-term effects on ecological  
10 systems and the OFPA. I would have preferred that  
11 the annotation would have limited use only in  
12 response to an out-of-the-ordinary climactic  
13 occurrence that cause the organic system to fail,  
14 such as unusual cold, extreme wet or dry  
15 conditions.

16 With climate change, growers are  
17 challenged and this proposal allows for a tool to  
18 deal with extreme conditions. This is the main  
19 reason I support the proposal, rather than a  
20 complete ban. And please refer to my written  
21 comments on numerous other topics.

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1                   CHAIR POWELL-PALM: Thank you so much,  
2                   Harriet, for your work, for your participation,  
3                   we appreciate it. Any questions for Harriet, from  
4                   the board?

5                   All right. I'm going to be a terrible  
6                   person real quick and delay our break just a minute.  
7                   And David, if you would give your comments,  
8                   please, and then we will break.

9                   MR. EPSTEIN: Well, I'm truly sorry for  
10                  delaying everybody's break.

11                  CHAIR POWELL-PALM: No worries.

12                  MR. EPSTEIN: But I appreciate your  
13                  accommodation. So, good afternoon. I call your  
14                  attention to the written comments we submitted  
15                  regarding the materials and proposals currently  
16                  under consideration by the board. The Pacific  
17                  Northwest is the leader in the production of  
18                  organic apples, pears and cherries, producing 95  
19                  percent of all the fresh organic apples in the U.S.  
20                  The NHC supports the relisting of sticky traps  
21                  and fixed coppers for disease management.

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1                   Routine biological monitoring of pest  
2           insects, allows the grower to know what pests are  
3           present, when their present and at what population  
4           levels and is the foundation of organic pest  
5           management. Pest management tools should only be  
6           deployed once monitoring knowledge is in hand, to  
7           determine whether a decision is warranted and  
8           needed and to best time the use of that management  
9           tool or tactic.

10                   Use of sticky traps is the principal  
11           method for establishing when key pests become  
12           active in orchard and for initiating biological  
13           models that predict egg laying, and when larval  
14           emergence occurs, the best time control actions.

15           Without these tools, growers are making  
16           uninformed decisions on whether and when they  
17           initiate a control. There are no viable options  
18           currently to replace the use of sticky traps.

19                   The use of coppers is critically  
20           important in organic apple and pear production for  
21           the prevention of fire blight, especially since

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1 the loss of antibiotics streptomycin and oxytet.

2 Copper is used for fire blight management only  
3 when fire blight models predict an upcoming fire  
4 blight weather event. Coppers are not routinely  
5 used every year.

6 And this disease can devastate an  
7 orchard. In 2017, 22 percent of apple acres and  
8 65 percent of pear acres in Washington had fire  
9 blight infections, resulting in \$9 million in loss  
10 and hundreds of acres of apples and pears being  
11 removed. Using this important tool for fire  
12 blight management can result in even more  
13 catastrophic losses in a weather-conducive year.

14 The decision to delist would leave growers with  
15 little to protect their trees. This is because  
16 fixed copper products average 70 percent efficacy  
17 when used alone, compared with many other organic  
18 alternatives, such as *Bacillus subtilis* and  
19 essential oils, which range from 20 to 40 percent  
20 efficacy.

21 We agree that these materials must be

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1 used in a manner that minimizes the accumulation  
2 in the soil and water and decreases harmful effects  
3 to soil and water biota. However, the monitoring  
4 and forecasting systems routinely deploy a low  
5 percentage of copper blight an even frequency of  
6 copper applications reduces the risk of copper  
7 buildup in soil and water. Thank you for your time  
8 and appreciate being allowed to make those  
9 comments.

10 CHAIR POWELL-PALM: Thank you for your  
11 comments. We really appreciate it.

12 MR. EPSTEIN: You're welcome.

13 CHAIR POWELL-PALM: Any questions from  
14 the board? All right. Thank you very much for  
15 your time and comments. Okay. We're going to  
16 break for 15 minutes, so let's come back at 55 after  
17 the hour.

18 So, Beth Rota will be first after the  
19 break at 55 after the hour, followed by Lee Frankel  
20 and then Jake Evans. All right. See you all in  
21 15 minutes.

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1                   (Whereupon, the above-entitled matter  
2           went off the record at 1:39 p.m. and resumed at  
3           1:55 p.m.)

4                   CHAIR POWELL-PALM:       Welcome back,  
5           everybody.    Hope you were able to enjoy some  
6           organic snacks.   If we're good to start, Beth Rota,  
7           you are first up.

8                   MS. ROTA:    Thanks, Nate.   I couldn't  
9           figure out how to start my video.   But there we  
10          go.   Good afternoon.   My name is Beth Rota, and  
11          I am the organic program director at Quality  
12          Certification Services.   Welcome to the new board  
13          members.   I hope that we can all meet in person  
14          soon.   Thank you for taking the time to consider  
15          my previous written comments on oversight  
16          improvements to deter fraud.   Continued trust in  
17          the organic seal is very important to QCS as it's  
18          avenues to all of us, I am sure.

19                   However, I disagree with the assertion  
20          that trust comes from transparency in supply chain.  
21          I think stakeholders trust the organic seal

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1       because the certification process is robust, not  
2       because supply chains are transparent. As OFPA  
3       and the organic regulations don't allow certifiers  
4       to disclose confidential business information, we  
5       do not support the listing of crop acreage on the  
6       certificate or the public OIT (phonetic).

7               I have read the discussion document.

8       I have to wonder if there's lack of confidence  
9       in certifier oversight. If so, let's work  
10      together and fill in the gaps with a targeted  
11      approach. It's important for you to know that one  
12      of the most common non-compliances we issue is for  
13      insufficient records. In my experience  
14      certifiers are adequately addressing gaps in  
15      records. I also trust the NOP to identify  
16      certifier deficiencies through the accreditation  
17      process.

18              However, sophisticated record-keeping  
19      systems, while appearing compliant, can be  
20      designed to cover up intentional fraud. This is  
21      one of the reasons why a universal bill of lading

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1 would not effectively prevent fraud. Most  
2 operations do not sell their entire crop to only  
3 one buyer, thus limiting the buyer's knowledge of  
4 total sales. The proposed crop-specific details  
5 would also not be applicable beyond the farm sale  
6 in lengthy supply chains with mixed lots or for  
7 processed products.

8 Fortunately, certifiers have access to  
9 an operation's entire production and sales  
10 records. Certifiers also have skills and tools  
11 to look for potential fraud, free of competing  
12 interests that may exist between organic  
13 operations. We conduct mass balance audits at  
14 every annual inspection to determine if products  
15 harvested are handled balanced with product sales.

16 And we also conduct yield analysis to make sure  
17 crop operations are not selling more than they  
18 could reasonably produce.

19 Additional resources from the USDA such  
20 as organic-specific yield data by crop and region  
21 would help us scrutinize reported yields for

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1 potential issues. Certifiers also cross-check  
2 purchasing sales records between operations to  
3 make sure they're not selling more than they  
4 disclose to their certifier. The NOP could help  
5 certifiers target risky transactions and provide  
6 support and coordination for cross-checks,  
7 especially when multiple certifiers are involved  
8 in the supply chain.

9 In summary, I hope we put more resources  
10 toward yield analysis and cross-checks for risky  
11 products and supply chains, thus avoiding overly  
12 prescriptive record-keeping requirements and  
13 disclosure of confidential business information.

14 Certifiers are committed to a robust oversight  
15 of fraud prevention, and should have a seat at the  
16 table on any projects aiming towards improvement.

17 CHAIR POWELL-PALM: Thank you for your  
18 comments, Beth. Any questions from the Board?  
19 Seeing none, I have one. Beth, could you speak  
20 a little to what all avenues or routes certifiers  
21 have to flag fraud? Where is the greatest

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1 collection of possible fraud tips coming into  
2 certifiers? We as inspectors only have, you know,  
3 that 4-hour snapshot that we can see on site. But  
4 there's all these transactions, all these other  
5 opportunities to identify fraud. Where do you  
6 see, as a certifier, the best spot to catch fraud,  
7 and to get those tips to investigate further?

8 MS. ROTA: That's a really great  
9 question, Nate. Sometimes it comes from  
10 complaints. A lot of it comes from -- if we're  
11 doing 5 percent of our operations we're doing  
12 residue testing on. And that's a really good place  
13 to look for potentials of fraud. At the farm  
14 level, like I said in my comments, I really think  
15 doing a yield analysis, that's especially useful  
16 where we have a farm that is producing a large  
17 volume of any one crop.

18 And we do this for a lot of operations  
19 that have a big volume of any one particular crop.

20 But, yes, there's a lot of different ways to look  
21 for it. You know, sometimes it's just looking at

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1 record-keeping systems that have inconsistencies.

2 But I think that having more regular cross-checks  
3 is going to help us identify that as well as really  
4 taking a risk-based approach.

5 And I anticipate some of this is going  
6 to happen with the implementation of SOE as that  
7 we're going to be doing a little more risk  
8 assessments of certified operations, and perhaps  
9 start doing more things like cross-checks as a  
10 regular activity instead of just in response to  
11 a complaint investigation.

12 CHAIR POWELL-PALM: Sure. Thank you.

13 Amy has a question as well.

14 MEMBER BRUCH: Yes. Beth, thank you  
15 for your time today and your comments, both the  
16 written ones and your current oral ones. I have  
17 several questions, but I'm just going to limit it  
18 to one right now. You mentioned one of the real  
19 important things to evaluate is yield analysis.

20 And I was just wondering how best with the  
21 information that currently is provided, how do you

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1 verify the yields that are maybe communicated?

2 MS. ROTA: How do we verify the yields

3 --

4 MEMBER BRUCH: Yes.

5 MS. ROTA: -- is by looking at -- we  
6 can during an inspection or at any time really get  
7 records from the producer to determine how much  
8 was harvested, and then look at their field records  
9 to verify the acreage for that. There isn't a lot  
10 of data out there on what to expect an organic  
11 producer to have a yield for. We're just looking  
12 at general crop data to compare that. And we  
13 expect organic yields to not be higher than what  
14 we're seeing in yield reports from the USDA.

15 This isn't organic-specific. It's  
16 usually with the National Agricultural Statistics  
17 Service or other type of yield information. We're  
18 looking at state data, but we're comparing what  
19 we're seeing from the farm records with the data  
20 that's available, but organic-specific data would  
21 be really helpful.

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1 MEMBER BRUCH: Thank you.

2 MS. ROTA: Does that answer the  
3 question?

4 MEMBER BRUCH: Yes, it does. Do you  
5 see value in bidirectional checks potentially?  
6 So you have farm records, and then you're looking  
7 downstream to then re-verify what farm records  
8 show?

9 MS. ROTA: Exactly, exactly. And  
10 that's what I was talking about with cross-checks  
11 is I think that we can do a yield analysis on the  
12 farm that we certify. But we want to really verify  
13 that records aren't being undisclosed, right? And  
14 we want to cross-check our farm or our handler's  
15 records with their buyers records as well. We do  
16 that a lot in our own certification activities when  
17 we certify multiple entities in the supply chain.

18 It's really easy for us to identify that  
19 and do that on our own. Otherwise it takes a lot  
20 of coordination between certifiers and that's  
21 where I think resources from the NOP, some

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1 coordination, some support could really help  
2 certifiers.

3 They could even be like, you know, the  
4 one who's carrying out the cross-check and  
5 certifiers provide the data from all over the  
6 entities that we certify. And then he could  
7 coordinate that process. I think that would go  
8 a really long way.

9 MEMBER BRUCH: Great. Thank you,  
10 Beth. Appreciate it.

11 CHAIR POWELL-PALM: Kim had a question  
12 as well.

13 MEMBER HUSEMAN: Hi Beth. And you  
14 might have already somewhat answered this question  
15 with your previous statement, but is  
16 cross-checking those yields a standard operating  
17 practice and SOP as certified within your  
18 organization?

19 MS. ROTA: Well --

20 MEMBER HUSEMAN: Or is it just ad hoc?  
21 And you notice there could be a potential issue?

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1 MS. ROTA: Cross-checks and yields are  
2 two -- and yield analysis are two different  
3 activities. A yield analysis we've done on the  
4 farm. We typically do that on farms where we're  
5 looking at, unfortunately not a mass balance, for  
6 example, on a -- at a farm level. We would be  
7 looking at that entire production records for a  
8 particular crop, looking at the acreage for that  
9 crop, and then doing a yield analysis to say, okay,  
10 that's a reasonable amount of production, not just  
11 based on the acreage, but based on the, you know,  
12 how close the crops are planted, and, you know,  
13 the level of inputs that they're using, what type  
14 of organic system plan they have in place.

15 MEMBER HUSEMAN: And that standard,  
16 though, for -- yes, but that's -- is that standard  
17 for you? Or is that just in ad hoc situations?

18 MS. ROTA: We typically -- yes, that's  
19 part of our mass balance --

20 MEMBER HUSEMAN: Okay.

21 MS. ROTA: -- process at a farm.

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1 Cross-checks aren't, because they're outside of  
2 just one individual operation, we typically do  
3 those as their -- you know, as part of  
4 investigations.

5 MEMBER HUSEMAN: Thank you.

6 CHAIR POWELL-PALM: Thank you for that  
7 question, Kim. Javier will be the last one for  
8 this one. And I would just remind everyone to keep  
9 it to questions. If we have comments or further  
10 discussion, please reach out directly to the  
11 commenter. So go ahead, Javier.

12 MEMBER ZAMORA: Yes. Thank you, Nate.

13 That's a -- that's kind of like embraced my heart  
14 knowing how big organic is and how so much food  
15 is grown organically, but that there isn't data  
16 that it's more accurate of what the mass balance  
17 as you guys call it with just how much you're  
18 producing, doesn't the USDA provide those numbers  
19 for you or county on how, you know, let's say, how  
20 many trees per acre of strawberries an organic  
21 grower produce? Don't you have access to those

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1 things?

2 And I think the record and the acreage,  
3 the way you guys are doing it is excellent that  
4 there is just -- there is no better way of  
5 cross-checking than that. But I believe -- I'd  
6 like to know if you know any -- how do you go and  
7 find sources? Or how do you guys do it find sources  
8 so that can educate you on what the production could  
9 be or should be or an average?

10 MS. ROTA: That's a really great  
11 question, Javier. Thank you for that. It's my  
12 understanding that the organics, this agricultural  
13 census has only been looking at organics for a short  
14 period of time. And I don't know how much they're  
15 collecting, specifically on yields. Where we're  
16 looking at yield data is mostly conventional  
17 agriculture. Most of the data that's available  
18 publicly is for conventional agriculture.

19 And so we have to extrapolate what we  
20 might expect from an organic farm. Based on  
21 conventional data, I think it would be really

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1 helpful if there was more data that was specific  
2 to what we can expect to see on an organic farm.

3 If we have a bunch of growers that are growing  
4 the same type of thing, it's easy for us to keep  
5 that data for ourselves. I'll give an example.

6 We -- offices in Latin America that produce a lot  
7 of bananas.

8 And so internally we have some data on  
9 what we would expect to see as boxes per week or  
10 boxes over the course of a year for that. But that  
11 data is less available for organic-specific  
12 information. And I see in the comments, there's  
13 a link to some surveys from NASS, the National Ag  
14 Statistics Service, but more data and more specific  
15 data would be really, really helpful.

16 CHAIR POWELL-PALM: All right. And I  
17 lied, I will put one more question to you, Beth.

18 So as an inspector, if you're doing a mass balance,  
19 would it not be super helpful for an immediate look  
20 back to be able to see did the transaction you're  
21 inspecting exceed the capacity of the farm that

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1       supplied the inspected party, which the inspection  
2       is occurring?

3               So for example, if I'm inspecting a  
4       dairy, and I see they bought a thousand tons of  
5       hay, but the certificate which they provide me from  
6       the supplier only shows that that farm that they  
7       bought it from only has 10 acres certified, does  
8       that not provide this wealth of opportunity for  
9       inspectors to be citing red flags to -- in their  
10      inspection reports to the certifiers to just do  
11      a better job of data gathering risk?

12              MS. ROTA: The issue with that that I  
13      mentioned in my comments, Nate, is one, you're --  
14      when you're doing an inspection, you would then  
15      be reporting on something from another operation,  
16      not the operation that you're inspecting. But,  
17      you know, really, it's not very frequent that --  
18      you're just looking at one piece, one transaction,  
19      right? You're not looking at the entirety of that  
20      other farm's sales records. You have one purchase  
21      record from the farm that you're inspecting.

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1                   It's really rare that you're going to  
2                   see that farm's entire sales in one transaction.

3                   And so it certainly could be useful. But I think  
4                   that's where we need to have more certifier  
5                   exchange of information and smart coordination  
6                   between certifiers to be able to look at those  
7                   records through cross-checks. And that should be  
8                   part of the process that I think that would be  
9                   really great for the NOP to invest resources and  
10                  staff and personnel to coordinate that.

11                  CHAIR POWELL-PALM: I think we'll look  
12                  forward to following up with you on this, because  
13                  there's a lot of good work to be done here. So  
14                  thank you so much for your comments and fielding  
15                  all of our questions. Really appreciate your  
16                  time.

17                  MS. ROTA: Absolutely. Happy to do  
18                  so.

19                  CHAIR POWELL-PALM: All right. Next  
20                  up is going to be Lee Frankel, followed by Jake  
21                  Evans and then Patty Lovera. Lee, if you're on,

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1 the floor is yours.

2 MR. FRANKEL: Okay. Great. Good  
3 afternoon. My name is Lee Frankel. And I'm  
4 testifying today on behalf of the Coalition for  
5 Ecological Recovery in Organics. CERO is  
6 comprised of numerous utility product suppliers,  
7 businesses, manufacturers, growers,  
8 environmentalists, scientists and proponents of  
9 organic production. Service goals are simple,  
10 ensure that reasonable regulations do not impede  
11 innovation in organic production, allow for the  
12 recovery of nutrients from existing waste streams  
13 to eliminate negative impacts on environmental and  
14 public health, support regenerative soil biology,  
15 strengthen rural communities by increasing  
16 dedicated organic acreage, improve productivity,  
17 and increase equitable consumer access to  
18 organically produced food.

19 What do our members have in common, a  
20 real belief and so how it's real return, whereby  
21 we must be cycling the nutrients from the waste

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1 one production cycle into the next. A real belief  
2 that organics must show leadership in reducing the  
3 greenhouse gas emissions from our food production  
4 services. A real belief that organic growers can  
5 do even more to prevent leaching of excess  
6 nutrients into our waterways and airways. And a  
7 real belief that the organic industry must evolve  
8 to better preserve carbon stores and wetlands and  
9 grasslands by helping farmers improve their  
10 productivity on the land already under  
11 cultivation.

12 Our members filter processes to  
13 minimize greenhouse gas emissions from the  
14 traditional composting methods for animal waste,  
15 all while abiding by the guidance decision tree  
16 for classification of materials and synthetic or  
17 non-synthetic in the USDA organic handbook to  
18 ensure that we are making non-synthetic products.

19 Material review organizations including OMRI,  
20 CDFA and the Washington State Department of  
21 Agriculture have confirmed our members' processes

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1 to be non-synthetic.

2 Recovered nutrients are intended to be  
3 used as a complement to other nutrient sources and  
4 appropriate field management practices. Their  
5 use is not intended to mimic anhydrous ammonia like  
6 in conventional crop production. Instead, the  
7 products are intended to be used as a domestic  
8 climate-smart nitrogen source as part of the  
9 grower's organic systems plan. These  
10 supplemental nitrogen sources are derived from  
11 agricultural feedstocks or represent a major step  
12 in the right direction to minimize the negative  
13 impacts of the widespread use of sodium nitrate  
14 and other overseas organic fertilizer inputs.

15 It's our belief that policies  
16 recommended by the NOSB to the National Organic  
17 Program, which should be science-based and promote  
18 the goals of OFPA. We remain concerned that the  
19 NOSB's technical reports are not thoroughly  
20 reviewed and report on scientific data. Several  
21 stakeholders have previously provided similar

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1        comments in prior meeting.        We're greatly  
2        concerned that NOSB appears inclined to push  
3        organic production into a one-size-fits-all check  
4        off the box approach that completely ignores  
5        geographical differences between growing areas  
6        crops and where inorganic producers and inorganic  
7        production journey.

8                    We trust growers to respond to  
9        insight-specific conditions.        We believe that  
10       certifiers understand how to review organic  
11       systems plans to verify the improvements in soil  
12       health that recovered nitrogen products can  
13       support.        We believe these products on replacing  
14       organic markets to address the goals of USDA  
15       climate-smart initiatives, as well as USDA's newly  
16       announced initiatives and support innovative  
17       American-made fertilizer to give U.S. farmers more  
18       choices in the marketplace.        Thanks.

19                    CHAIR POWELL-PALM:        Thank you, Lee.  
20        Any questions for Lee from the Board?        Amy?

21                    MEMBER BRUCH:        Sure.        Lee, thank you

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1 so much for your written comments and oral  
2 comments. Really appreciate. My question is in  
3 terms of the role of return cycling nutrients.  
4 You touched on that briefly just now. We heard  
5 another commenter mention about the need for  
6 boundaries when we are recycling -- when the  
7 organic community is recycling nutrients, such as  
8 the example that was brought up as printed  
9 newspaper. I was just curious on your thoughts  
10 on those types of boundaries, that recycling is  
11 good, but we also need to be very specific in what  
12 we're recycling.

13 MR. FRANKEL: Thank you. And in this  
14 case, a proposal before the Board is specifically  
15 kind of products derived from animal waste, and  
16 that are already being used in the compost and other  
17 ways. So, you know, the question seems to be kind  
18 of moving us away from the real issue of, you know,  
19 how can we take things that have been considered  
20 organic for the National Organic Program began and  
21 make sure that those products are being used

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1 responsibly.

2 I think that the -- you know, the  
3 efforts to put a percent limit on it is something  
4 that recognizes that there, you know, could be  
5 limit how products are used. But I guess getting  
6 back to your return question, it seems like this  
7 is a product that's already being used, or this  
8 is a source that's already being used. I totally  
9 understand why we would want to be very excluded.

10 Or that this isn't printed colored paper, this  
11 is basic products coming from the livestock  
12 production sector where we're saying that we no  
13 longer want to have organic beef, we no longer want  
14 organic milk, organic eggs and kind of what are  
15 we supposed to do with the -- you know, some of  
16 the byproducts of that those production systems.

17 I believe that we should be  
18 incorporating them back into the crop production  
19 system. And I don't really see this as being  
20 something like kind of printed paper.

21 CHAIR POWELL-PALM: I would just --

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1                   MEMBER BRUCH: Lee, thank you for your  
2                   comments. Go ahead, Nate.

3                   CHAIR POWELL-PALM: Sorry. I have a  
4                   quick follow-up. Lee, what do we do with the waste  
5                   products now? I think that there's a big demand  
6                   for poultry litter across the board. It seems like  
7                   organic farmers are using it up. So I'm not quite  
8                   tracking what you're saying with why would we lose  
9                   eggs, beef and milk without these novel  
10                  technologies?

11                  MR. FRANKEL: Yes, I think it was kind  
12                  of a real specific question saying, you know,  
13                  should we put some limits on what we return back  
14                  to the earth. And, again, maybe like used oil  
15                  drums, you know, maybe you don't want to shut them  
16                  up and put them in the field. But you're saying  
17                  the growers use those byproducts from, you know,  
18                  livestock production. So I'm in agreement that  
19                  should be included in them. And that, you know,  
20                  I would disagree that we would want to exclude those  
21                  products from being part of the overall return.

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1 CHAIR POWELL-PALM: All right. Thank  
2 you. Any other questions? Seeing none, thank you  
3 for your comments, Lee. Appreciate your time.

4 MR. FRANKEL: Thank you.

5 CHAIR POWELL-PALM: Next up is Jake  
6 Evans and we have a presentation.

7 MR. EVANS: Can you all hear me?

8 CHAIR POWELL-PALM: We can. So bear  
9 with us just one second and we'll get your  
10 presentation.

11 MR. EVANS: Oh, is it not?

12 MS. ARSENAULT: Decided not to use it.  
13 Yes. So we're good.

14 MR. EVANS: Okay. Sounds good. All  
15 right. Thank you. Good afternoon. My name is  
16 Jake Evans. I'm the owner and CEO of True Organic  
17 Products. True has been in business for 18 years  
18 providing high-quality and compliant organic  
19 fertilizers to the production community. True is  
20 committed to ensure the USDA organic still remains  
21 the gold standard for agricultural production.

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1 True filed the original petition to examine ammonia  
2 extracts in 2020.

3 First, I would like to thank NOSB and  
4 the crops subcommittee for the success of the work  
5 done thus far in completing their recommendation  
6 on the use of ammonia extract in organic crop  
7 production. It is evident from the stakeholder  
8 engagement and the newly announced vote to  
9 prohibiting just how important the proper  
10 regulation of this category of substance is.

11 The discussions at the fall meeting  
12 focused mainly on a process for creating ammonia  
13 via concentration of sugar. However, recently at  
14 True we focused on the stabilization process and  
15 discovered information that was not fully  
16 considered in the TR. The TR focused on the use  
17 of non-synthetic acid for pH adjustment, but did  
18 not consider that an ammonia a change in pH results  
19 in a chemical change.

20 Additionally, the technical for the  
21 stabilization of ammonia from a non-synthetic

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1 source by addition of a non-synthetic acid during  
2 the manufacturing process always produces a  
3 non-synthetic final product. True found that  
4 using either a synthetic or non-synthetic acid to  
5 stabilize ammonia results in a chemical change,  
6 creating a synthetic material under often.

7 Unfortunately, the flawed information  
8 or TR was used as the basis of the classification  
9 of a), this cannot and should not be ignored, as  
10 it is a highly consequential or to remedy the  
11 situation to as ordered, requested the crop  
12 subcommittee to reconsider a's classification  
13 decision. To further this process, True will file  
14 a petition in the very near future with its scope  
15 limited to the classification issues.

16 True will share a newly developed  
17 flowchart describing different subclasses of a  
18 category based not only the techniques used to  
19 manufacture ammonia, but also to stabilize it.  
20 True's updated petition will share that, one, NOSB  
21 and NOP have the most up-to-date classification

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1 analysis. Two, NOSB has information needed to  
2 refine the classification decisions. Three, the  
3 recommended prohibition on the use of  
4 non-synthetic AE (phonetic) is restricted to the  
5 types of AE that are in fact non-synthetic.

6 Four, we want share synthetic a  
7 substance that originated from concentration or  
8 stripping process are properly identified. And  
9 five, will enter the rulemaking process for AE with  
10 the most accurate information. In closing, True  
11 urges the crop subcommittee to expedite our  
12 upcoming petition to reclassify certain subclasses  
13 of manufacturer A substance to support NOSB  
14 discussions.

15 We suggest that limited scope TR focus  
16 specifically on the chemistry of stabilization of  
17 AE. We at True believe that these actions will  
18 not build -- will not only build on the great work  
19 you've already done on AE, but will also conserve  
20 the limited resources of NOSB, NOP and the organic  
21 community. Thank you.

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1 CHAIR POWELL-PALM: Thank you for your  
2 comments. Looks like Logan has a question.

3 MEMBER PETREY: Hey, thank you. Jake,  
4 so in your statement, saying that there may be  
5 something that needs to be followed up in a TR,  
6 there were a lot of stakeholders that, you know,  
7 stated a lot of things in the TR that seemed to  
8 have holes through it and that needed to be looked  
9 at again. I know you're specifically wanting a  
10 limited TR.

11 But I'm curious if that's going to open  
12 it up to a lot of other people who had concerns  
13 that we need to look at if we as a board are saying,  
14 you know what, the TR is not sufficient, we need  
15 to look through. So I'm wondering if other people  
16 are going to, you know, say, well, we disagree with  
17 other parts of the TR and start adding in a lot  
18 of other petitions against that topic?

19 MR. EVANS: Yes. I don't know what  
20 other people are going to do. I know when it comes  
21 to the specific area of the TR, it's a pretty

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1 science-based -- very science-based argument. So  
2 I can't control what other people think. I know,  
3 based on the 13 to 1 vote and the broad stakeholder  
4 community, I think there was a lot of compasses.

5 In this particular, we're talking about Motion  
6 Number 1, and the classification issue.

7 MEMBER PETREY: All right. Okay.  
8 And I see with, you know, liquid fish products,  
9 things like that, I mean, we're adding an acid to  
10 it and stabilize it as well in it which you may  
11 have products that do that and they're underneath  
12 the synthetic use of the 205.601 for that?

13 MR. EVANS: Well, that's -- yes, that's  
14 exactly what we're talking about, Logan, is, it's  
15 not a synthetic. It's not an acid to stabilize  
16 for microbial growth. It's an acid that causes  
17 chemical change. So it's much a difference, but  
18 that's why the TR I think would be useful.

19 MEMBER PETREY: So -- sure. I mean,  
20 even if the intention is different, do you think  
21 that there's any change in liquid fish in the

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1 ammonia or anything in it when you add an acid to  
2 it? I know the intention is to prevent microbial  
3 growth, but do you think anything has changed  
4 chemically in that too?

5 MR. EVANS: No. No, I think, it's --  
6 when it comes to the ammonium what we've seen, it's  
7 a chemical change. We're not talking about  
8 microbial degradation pH for microbial --

9 MEMBER PETREY: Right. Yes, I just  
10 didn't know if there was any ammonia, you know --

11 MR. EVANS: Yes --

12 MEMBER PETREY: -- in the liquid fish  
13 products that would be subject to the chemical  
14 change?

15 MR. EVANS: Liquid fish is actually a  
16 proof synthetic, because they have a synthetic  
17 acid.

18 MEMBER PETREY: Correct.

19 MR. EVANS: Yes.

20 MEMBER PETREY: That's right. Yes.  
21 So I was just clarifying, yes.

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1                   MR. EVANS: But I mean, that's why it  
2                   -- the TR would be great look, minimize TR to look  
3                   at that exact issue.

4                   MEMBER PETREY: Okay. Thank you,  
5                   Jake.

6                   CHAIR POWELL-PALM: Thank you for your  
7                   comments, Jake. Moving on, we've got Patty Lovera  
8                   next, John Foster after that, followed up by  
9                   Margaret Scoles. Patty?

10                  MS. LOVERA: Okay. Hi, everybody.  
11                  My name is Patty Lovera. I'm the policy director  
12                  for Organic Farmers Association. I'm going to  
13                  cover a couple of topics and Kate Mendenhall, our  
14                  director is going to cover a couple more in a little  
15                  while.

16                  So the first one on my list is the  
17                  discussion document on traceability  
18                  infrastructure. This is a hot topic for our  
19                  members and it's been a high priority since OFA  
20                  began. And OFA does support including acreage per  
21                  crop on the organic certificate. But one issue

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1 that our folks flagged was needing to make sure  
2 it works for different types of operations so it  
3 doesn't create a burden for some farmers that maybe  
4 do things a little differently.

5 So the example that came up is,  
6 producers who grow a lot of varieties every year  
7 on a fairly small parcel, might need a different  
8 way to estimate acreage, if they're doing lots of  
9 things on small acreage so that doesn't become a  
10 burden to put on the certificate. And then we also  
11 heard concerns from folks about using succession  
12 planting and if you're going to run into issues  
13 about what you're doing per year, not lining up  
14 with your acreage, if you're doing things on pretty  
15 fast cycles.

16 But they wanted to do this, but just  
17 flag that making sure it works for folks who farm  
18 that way. Our folks also supported including  
19 acres per crop on the certificate as well as in  
20 making it public-facing in the organic integrity  
21 database. A lot of our farmers are working with

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1 certifiers who already do this, and they really  
2 saw a benefit in standardizing that. Across all  
3 of organic, we did hear that some large food  
4 processors require farmers to sign nondisclosure  
5 agreements that forbid them from disclosing this  
6 type of information.

7 So if NOP required of everyone, you  
8 wouldn't have buyers asking some, you know, putting  
9 it in some contracts. If that was part of the  
10 organic standards, everybody would have to do it.

11 And then we wouldn't have some buyers asking for  
12 this nondisclosure for people thought that was the  
13 way to deal with that problem. And then on the  
14 universal bill of lading, we had really a lot of  
15 enthusiasm from grain growers. And then the same  
16 idea caused stress for other types of growers who  
17 have different types of transactions like folks  
18 who grow leafy greens who have like very frequent  
19 transactions all of the time.

20 So we suggest that maybe there's -- it's  
21 worth thinking about common forms or universal

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1 forms per sector, right? And there's a different  
2 paperwork need for the types of transactions if  
3 you're doing bulk shipment of grain versus, you  
4 know, dairy versus vegetables, things like that.

5 And this also seems like an opportunity as we are  
6 developing new forms to be very deliberate,  
7 thinking about making them accessible for  
8 non-English speakers like starting from the  
9 beginning with the idea that there are language  
10 issues we could address so that organic is open  
11 to everybody, especially folks who are new to  
12 organic, that this doesn't have to be a barrier  
13 to being organic.

14 And then quickly on the excluded  
15 methods, we support finishing these definitions,  
16 getting them done, so that we can be as current  
17 as we can be. And we agree with the addition of  
18 cell fusion and protoplast fusion as outlined, but  
19 just like we heard from Jaydee, I think that  
20 recombinant DNA should be changed in vitro nucleic  
21 acid technologies so that we get more comprehensive

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1 and we can line up with as international standards  
2 like Codex. Thanks.

3 CHAIR POWELL-PALM: Thank you for your  
4 comments, Patty. Based on your surveys, do you  
5 think -- I believe it was a question posed to Julia  
6 Barton of OFA that listing mixed vegetables, say  
7 for those very sort of micro plots of rotational  
8 vegetables, would that sort of fall and thus raise  
9 the concerns of your constituents?

10 MS. LOVERA: I think so. Yes. They  
11 just didn't want to have to do -- you people were  
12 thinking about small operations that do a lot of  
13 things in less than an acre and how I do that math.

14 And this comes up for conservation programs when  
15 people deal with NRCS like I'm translating, you  
16 know, feet into acres, because I have -- you know,  
17 I do different beds and I do a lot of things. So  
18 I think if there was an option to do mixed  
19 vegetables or there was an option to say less than  
20 an acre or something like that, it just doesn't  
21 become this like mathematical exercise that shifts

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1 especially if you do a lot of things in a season,  
2 because you're doing succession planting it didn't  
3 -- we didn't want that to become a deterrent to  
4 farming that way if that's how you farm.

5 CHAIR POWELL-PALM: All right. Any  
6 other questions? Yes, Kim.

7 MEMBER HUSEMAN: Thank you for your  
8 comments, Patty. Out of curiosity, were specific  
9 languages for subcommittee would be Spanish, but  
10 were other languages mentioned that would be  
11 helpful when looking at presenting BOL (phonetic)  
12 information, you know, with multiple language  
13 sources?

14 MS. LOVERA: I mean, Spanish is the one  
15 that comes to mind. I think in some parts of the  
16 country Hmong would be high on the list. But I  
17 think that's also something as you move forward  
18 with developments we should ask, you know, farming  
19 groups on the ground who -- and especially if we  
20 see, you know -- and we're having a conversation  
21 about transition and getting close to transition

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1       like what communities are out there doing that work  
2       what, you know, grassroots organizations are  
3       trying to train people who are in their  
4       communities.

5                   And I think if we did some quick asking  
6       around we could come up with, you know, the top  
7       needs, but the two that we hear the most about are  
8       Spanish and Hmong. But I'm sure in other parts  
9       of the country there's other needs.

10                   MEMBER HUSEMAN: Thank you.

11                   CHAIR POWELL-PALM: Great question,  
12       Kim.

13                   MS. LOVERA: But this also seems just  
14       baking in from the beginning, so we're not after  
15       the fact saying, oh, how are we going to translate  
16       these, like let's think about it as we design new  
17       forms.

18                   CHAIR POWELL-PALM: Thank you very  
19       much for your comments, Patty. Really appreciate  
20       your work. Next up will be John Foster, followed  
21       by Margaret Scoles and then Kate Mendenhall.

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1 John, floor is yours.

2 MR. FOSTER: Thank you, sir. Thanks  
3 for the opportunity to participate in this process.

4 It's one of my favorite times of the year. And  
5 thanks especially to the NOP staff and Board  
6 members for the ongoing commitment. I know it's  
7 not a small deal, but without you and the organic  
8 community together, the positive change wouldn't  
9 be reachable. So thank you.

10 My name is John Foster, I'm with Wolf  
11 & Associates, a consulting firm specializing in  
12 growing organics with integrity is probably a good  
13 as any summary. I'd like to especially welcome  
14 the new Board members on this long strange trip  
15 you're about to take. And I had five points I might  
16 just throw out to -- for suggestions.

17 Take the time to think about everything  
18 really critically, it's important. Consider  
19 everything with an open mind, favor evidence over  
20 opinion, and do what you can to get more ground  
21 in organic production. That's my opinion. First

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1 slide appear is one of just two I have. I'd like  
2 to also just ask you to refer to a more detailed  
3 written comments from which these two short topics  
4 are pulled.

5 And these two are -- I liked are  
6 aspirational. So think about what could be, not  
7 necessarily what is. Around 605, we're pretty big  
8 at advocating for in the interest of encouraging  
9 more organic production by applying commercial  
10 availability to all items on 605. And we've had  
11 some experience, some evidence, a lot of confidence  
12 that there's existing opportunities for  
13 development of more organic -- certified organic  
14 ingredients and inputs.

15 But that is going to require commercial  
16 demand. There are several items on both the  
17 synthetic and the non-synthetic portions of 605  
18 that I think could be produced using certified  
19 organic inputs and compliant processes. And we  
20 definitely want to support a mechanism to favor  
21 these organic analogues over other inputs that are

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1 now on 605.

2 Second is another kind of novel concept  
3 I've been fooling around with, that is the  
4 commercial availability registry. I'd like --  
5 we'd like to advocate that ACAs provide data to  
6 NOP listing the analysis and allowances they've  
7 made after confirming lack of commercial  
8 availability of inputs or ingredients. And this  
9 could apply for example, everything between seeds  
10 and flavors, everything in between. But if that  
11 aggregated and anonymized data could then be made  
12 public, then producers, suppliers, manufacturers  
13 would have that data that would incentivize  
14 research, incentivize development and  
15 commercialization of certified organic analogues.

16 I believe this will provide good new  
17 markets for organic crops and more options for  
18 manufacturers to go organic. Certainly, both of  
19 these options have -- you know, they're  
20 challenging, they're novel, but I think the -- I  
21 think any challenges on certification or problems

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1 that come up can be met. And if you will allow  
2 me I believe that the organic juice would be worth  
3 the squeeze. Thanks very much.

4 CHAIR POWELL-PALM: Thank you very  
5 much, John. Kyla?

6 MEMBER SMITH: Hi John. Thank you for  
7 your comments.

8 MR. FOSTER: Hi Kyla.

9 MEMBER SMITH: I was wondering if you  
10 had any thoughts on who might be the owner of said  
11 commercial availability registry, because I  
12 believe at one point in time and not the too far  
13 distant past was a registry and it sort of fell  
14 by the wayside because of upkeep. So if you had  
15 any thoughts on that, I'd love to hear them.

16 MR. FOSTER: Yes. This is where I  
17 would love to see some of the newfound funding of  
18 NOP pick it and make it -- institutionalize it.

19 I think that past experience, and that wasn't the  
20 first try that was -- there were several tries  
21 before that. And you're right. They -- none of

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1       them lasted.     I feel like outside of an  
2       institutionalized owner of it, it -- the same thing  
3       will likely happen.

4                 I also feel like the -- it's appropriate  
5       because this commercial availability clause is  
6       part of the regulation.   Like it's part and parcel  
7       of the regulation and it ought to be owned by public  
8       really through in my opinion governmental process.

9                 CHAIR POWELL-PALM:   All right.   Well,  
10       thank you both.   Thank you for that question, Kyla.

11       I felt like I could tack on a few more questions  
12       about how do we create all these registries  
13       necessary for many things, but we'll talk offline,  
14       John, to brainstorm more.

15                MR. FOSTER:   You know where to find me.  
16       Yes.

17                CHAIR POWELL-PALM:   All right.   Thank  
18       you for your comments.   Next up is Margaret Scoles,  
19       then Kate Mendenhall, followed by Rodgers Koech.  
20       Margaret --

21                MS.   ARSENAULT:         I'm not seeing

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1 Margaret on the line with us. Haven't been able  
2 to find her.

3 CHAIR POWELL-PALM: Okay. We'll go  
4 on, Margaret, if you're there. Please let us know  
5 and we'll fit you in as we move through. So next  
6 up, Kate Mendenhall.

7 MS. MENDENHALL: Great. Thank you  
8 NOSB members for the opportunity to speak before  
9 you today. Welcome to the new members. My name  
10 is Kate Mendenhall, and I'm the executive director  
11 of the Organic Farmers Association.

12 OFA was created to be a strong national  
13 voice and advocate for domestic certified organic  
14 farmers. Today, it will be addressing highly  
15 soluble fertilizers, human capital and  
16 climate-smart agriculture. OFA strongly supports  
17 the concept of feeding the soil, not the plant.

18 We support limiting the use of highly soluble  
19 nutrients for use in organic production, because  
20 such use is incompatible with OFPA and good soil  
21 health practices.

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1           Our farmers have voted to prohibit  
2 ammonia extract and sodium nitrate. OFA strongly  
3 supports human capital management efforts to  
4 better support the work of the Board and its  
5 members. It is vital the NOSB be fully  
6 representative of the organic community. Farmers  
7 and other members of the organic community who are  
8 self-employed often have large out-of-pocket  
9 expenses to cover their time spent fulfilling NOSB  
10 responsibilities.

11           We support the NOP hiring research  
12 assistants to support Board member-driven research  
13 needs restricted to summarizing literature  
14 reviews, technical reports and summaries of public  
15 comments. Managing conflict of interest and  
16 confidentiality commitments and then sharing that  
17 these assistants have organic knowledge is  
18 essential. We also encourage the NOP to consider  
19 expanding the allowable expenses for Board members  
20 to cover on-farm replacement labor, childcare, et  
21 cetera so that self-employed are not facing

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1 economic hardship by volunteering their expertise  
2 to the NOSB.

3 In response to the NOP memo on February  
4 23rd requesting that the NOSB facilitate public  
5 discussion and "explore how organic can advance  
6 in tandem with climate-smart agriculture to  
7 support our planet and our farmers," I would like  
8 to emphasize the contradiction that allowing  
9 certified organic hydroponic production poses to  
10 this effort.

11 The NOP asks the NOSB to "help reinforce  
12 and capture the connections between climate-smart  
13 agriculture and what many certified organic  
14 farmers are already doing." We support this and  
15 we highlight that organic soil farming sequesters  
16 carbon and hydroponic farming does not yet all the  
17 questions NOP asks around climate-smart farming  
18 and organic assumes soil-based production systems.

19 Avoiding the issue of organic hydro is  
20 creating a huge mess in the marketplace that  
21 contradicts the value of organic. Organic

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1 hydroponic production is undefined, lack  
2 standards. It's growing at a rapid pace. The  
3 NOSB recommendations on greenhouse production are  
4 now a decade outdated as technology in this  
5 industry has changed dramatically. The NOSB has  
6 tools to restore organics place as a climate-smart  
7 leader and must use its authority to do so by  
8 addressing greenhouse production and hydroponics.

9 Thank you.

10 CHAIR POWELL-PALM: Thank you so much  
11 for your comments, Kate. Kyla Smith has a  
12 question.

13 MEMBER SMITH: Okay. Thank you. I  
14 wanted to ask you about the statement in your  
15 written comments about highly soluble nitrogen  
16 fertilizers, where it was stated that your  
17 committee and your members expressed concern over  
18 the ability for certifiers and inspectors and  
19 producers to be able to monitor this. And while  
20 they do in general oppose, you know, this concept  
21 and so would be in support of the prohibition.

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1 So how are you balancing that? How are you  
2 providing support what things can NOSB or NOP due  
3 to bridge that gap between this need and concern  
4 with where we are with the prohibition that people  
5 are expressing an interest for?

6 MS. MENDENHALL: Yes, sure. I mean,  
7 I think that our policy committee put their effort  
8 into a broader policy. So, I don't have -- you  
9 know, aside from the 20 percent, I do think that  
10 that's a concern that hasn't been expressed before.

11 I think farmers are feeling a concern about overly  
12 burdened paperwork and record-keeping like we  
13 heard Javier describe earlier, I think that's a  
14 concern.

15 I think right now is a tricky time for  
16 farmers. There's a lot of fertilizer angst at the  
17 moment with high prices of synthetic fertilizer  
18 driving conventional farmers to use our typical  
19 organic fertilizer sources. So it's a little bit  
20 of a stressful fertilizer time for farmers at the  
21 moment. And I think that sort of put that in the

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1 context of this conversation could have driven us  
2 to not pass this specific policy.

3 So we actually are meeting our -- with  
4 our policy committee on Thursday and I'm hoping  
5 to tease out a little bit more understanding about  
6 why this 3 to 1 proposal did not pass our original  
7 policy process so that I can provide the Board with  
8 a little bit more understanding of if it was  
9 particularly tied to this proposal, or if it was  
10 in the broader context of just wanting a broader  
11 proposal that our committee wanted to support, or  
12 if it was just a tiredness about -- talking about,  
13 you know, the state of fertilizer at the moment.

14 So I apologize I can't give you more  
15 specifics right now, but I'm hoping to do so. And  
16 I'll put something in the chat or e-mail that you're  
17 here to share with the Board if I can do so on  
18 Thursday.

19 CHAIR POWELL-PALM: All right. Thank  
20 you for your comments, Kate. Next up, we have --  
21 I think we said Rodger Koech is not on the Zoom

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1 that we're seeing. So go to Mark Kastel and then  
2 followed by Ben Silverman and Phil LaRocca. Mark,  
3 the floor is yours.

4 MR. KASTEL: Thank you.

5 CHAIR POWELL-PALM: And just a second  
6 while we reset the timer. There we go. All right.

7 MR. KASTEL: I prefer the Harold Austin  
8 routine. My entire presentation will be my  
9 introduction. Thank you, Mr. Chairman. My name  
10 is Mark Kastel. I'm the executive director of  
11 OrganicEye. For all of you who truly care about  
12 the integrity of the organic label, I'm here to  
13 alert you that the certification process which  
14 we've been talking about, as it's constituted today  
15 is more show than substance. Ineffective  
16 busywork, honest farmers and business people and  
17 the American taxpayers are investing tens of  
18 millions of dollars per year in a system based on  
19 annual inspections.

20 And that system is not catching the  
21 major stop loss. The annual inspections worked

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1       when I was a certified agricultural producer in  
2       the 1980s as family scale farmers had their heart  
3       in the organic movement, and were either direct  
4       marketers or had personal relationships with their  
5       wholesale buyers. But with over a \$60 billion in  
6       commerce today, that system has become a hoax.

7               As one of the country's preeminent  
8       industry watchdogs who has worked with the USDA,  
9       the Justice Department, the FBI, on the industry's  
10      largest cases, I can tell you almost none of them,  
11      almost none of the major fraud investigations have  
12      started with annual inspections. Most have come  
13      from current or former employees or competitors  
14      ratting out the perpetrators.

15              We need to fundamentally reallocate  
16      certification funding to more effectively catch  
17      these offenders as an alternative to putting honest  
18      farmers and handlers through the rear every single  
19      year. An alternative would be to schedule full  
20      inspections and audits conducted every 5 years by  
21      very experienced individuals with backgrounds in

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1 production agriculture and forensic accounting,  
2 supplemented by liberal unannounced inspections  
3 and testings.

4 Testing right now, neophytes,  
5 sometimes fresh out of the university, many without  
6 any experience or background in production ag,  
7 processing or accounting are going toe-to-toe with  
8 experienced fraudsters. These agriculturalists  
9 are having their lunch every day. As envisioned,  
10 this reallocation of resources should be  
11 revenue-neutral annual inspections only when they  
12 are warranted, very comprehensive reviews once  
13 every 5 years punctuated by ample unannounced  
14 inspections, spot audits, and abundance of  
15 testing.

16 The multimillion dollar domestic and  
17 international frauds that become public are an  
18 embarrassment. But do any of you think that we  
19 are doing anything more than capturing the tip of  
20 the iceberg? I guarantee you, and I was just  
21 working with the FBI on a case last week, that there

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1 are problems out there, a multiplicity of problems  
2 that will undermine this industry and maybe scuttle  
3 it at some point.

4 If organic stakeholders from farming  
5 communities, processors, marketers, or the USDA  
6 officials would like to discuss these options  
7 further, I would really encourage you to contact  
8 us at OrganicEye. Thank you very much.

9 CHAIR POWELL-PALM: Thank you for your  
10 comments. Logan has a question.

11 MEMBER PETREY: Hi, thank you. I love  
12 the idea of really specialized people. Ag is very  
13 complex and there's a lot of ways I guess people  
14 can get around. Question on those 5-year audits,  
15 you know, unexpected audits. Will you be prepared  
16 that pays for those audits. I know that a lot of  
17 times small farms, I'm sure any farm, it can be  
18 very costly to get inspectors over and with that  
19 amount of time. And that specialization, I would  
20 imagine would cost more. Who do you expect that  
21 would pay for that?

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1                   MR. KASTEL: Well, again, I'm -- okay,  
2                   this is back of the envelope estimates. This  
3                   should be revenue-neutral. We're going to  
4                   eliminate 4 of the 5 years of annual inspections  
5                   and concentrate those resources on doing it once.

6                   So, I just get too many reports of what -- farmers  
7                   are acquiring drive-by certifications. The  
8                   documents that are the key are not being analyzed.

9                   I had a conversation with the head  
10                  marketer of the -- one of the grain cooperative  
11                  -- organic grain cooperates in the country. And  
12                  we were commiserating saying, look, this is all  
13                  about creative writing. People are reviewing  
14                  documents that aren't really qualified. And we  
15                  were saying, look, we've been doing this for  
16                  decades, if we wanted to cheat, how hard would it  
17                  be? And he was saying it would be easy.

18                  And, you know, that might be an  
19                  oversimplification. But part of problem is that  
20                  there's a economic disincentive for certifiers to  
21                  find problems. If there is a world of trouble for

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1 the certifiers and a world of expense, if they --  
2 it's like imagine the policeman out on the beat,  
3 and in a half-an-hour, he's going to punch out,  
4 and his wife's going to have a hot dinner for him  
5 or her husband on the table. And then they find  
6 a real problem and they're going to have to write  
7 it up, you know, mediation, potential for  
8 litigation, engaging with the USDA. I'm not  
9 saying they're not doing it when they find it.

10 But there's a disincentive. And right  
11 now we have people that aren't seasoned and  
12 experienced doing quick work. They've had some  
13 rudimentary training. Their heart's in the right  
14 place, but we are missing the big picture. And  
15 it's possible to capture it. But right now, we're  
16 finding it after the fact.

17 I will remind you that the USDA said  
18 that everything was fine and buttoned down for  
19 years. And then we -- 75 percent of the Black Sea  
20 region, importers lost their certification after  
21 the Washington Post, who I worked with, have

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1       spotlighted the problem.  You know, after the fact  
2       doesn't cut it.  We've got to be more proactive.

3                   MEMBER PETREY:  Thank you.

4                   CHAIR POWELL-PALM:  Thank you, Mark.

5       Appreciate your work.  Next up we have -- oh, yes.

6       Oh, yes, great.  Next up we have Ben Silverman  
7       followed by Phillip LaRocca and then Jane Sooby.

8       Ben, the floor is yours.

9                   MR. SILVERMAN:  All right.  Thank you,  
10       everyone, for the opportunity to comment today.

11       My name is Ben Silverman, co-founder and chief  
12       technology officer at Upward Farms located in  
13       Brooklyn.  We're an aquaponic vertical farming  
14       company growing leafy greens and fish with the  
15       highest ecology standards and quality standards,  
16       so everyone can nourish their body, family and  
17       planet.

18                   We've been in business over 9 years,  
19       and we look forward to continued growth as we set  
20       out to build our next farm in Pennsylvania.  We  
21       support the prop subcommittee recommendation to

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1 add carbon dioxide at section 205.601 A&J as  
2 petitioned. Our experience has been that the use  
3 of current alternatives such as the use of a sulfur  
4 burner to produce sulfuric acid to treat water has  
5 negative implications, both for the operators and  
6 the environment.

7 Burning sulfur produces sulfur  
8 dioxide, but not all the sulfur dioxide dissipates  
9 into the water, rather some is emitted into the  
10 air. That sulfur dioxide is toxic if inhaled,  
11 contributes to acid rain if emitted to the  
12 atmosphere. And in order to use those sulfur  
13 burners, we have to take significant steps to  
14 reduce those emissions as much as possible to avoid  
15 danger to the operators and the environment.

16 Additionally, the sulfur pellets are  
17 highly flammable and require special handling and  
18 storage. All in all, it's a very expensive  
19 operation to do it right, ensure that we don't  
20 create any environmental health and safety  
21 hazards. While there are some industries that

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1 generate non-synthetic carbon dioxide as a  
2 byproduct of biological processes, there's  
3 currently inadequate infrastructure to support its  
4 use.

5           There have been small-scale carbon  
6 dioxide recapture systems, but nothing has been  
7 developed for our scale, and thus we need to  
8 contract a custom design and build. Additionally,  
9 it's difficult to find a partner that we'd be able  
10 to supply the volume and consistency we require  
11 in the local market, which would -- also has  
12 necessitated refrigerated trucking from great  
13 distances to meet our needs and have its own  
14 footprint attached to it.

15           We're committed to locating  
16 non-synthetic sources. However, until synthetic  
17 sources are available -- sorry, until sufficient  
18 sources are available, synthetic sources are a  
19 necessity. For these reasons, we support this  
20 petition and urge the Board to follow the prop  
21 subcommittee proposal and vote to add carbon

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1       dioxide at 205.601 A&J. Thank you again for the  
2       opportunity to provide these comments and your  
3       consideration.

4                   CHAIR POWELL-PALM: Thank you for your  
5       comments. Any questions for Ben? All right, Ben.

6       Thank you so much. I appreciate your time. Next  
7       up, we have Phil LaRocca followed by Jane Sooby  
8       and then Emily Musgrave.

9                   MR. LaROCCA: Well, I'm in California,  
10      so I'm going to start off by saying good morning  
11      even though it's late morning. Anyway, my name  
12      is Phil LaRocca. I'm the owner and winemaker at  
13      LaRocca Vineyards. I'm in the process of passing  
14      the baton to the next generation. I also sit on  
15      the California Organic Product Advisory board.  
16      And I am the chairman of the board for CCOF. I  
17      was first certified in 1975, so I've been around  
18      the organic community for quite some time.

19                   I want to comment on a few inputs that  
20      are being looked at that have been around as long  
21      as I have. The first one I want to address is

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1 bentonite. Bentonite is a colonial clay that we  
2 use in the wine industry to subtract excess  
3 proteins out of the wine, in particular white wines  
4 and roses. There are synthetic comparisons to  
5 this, but even commercial wineries will use the  
6 bentonite, because it is more efficient, little  
7 more of a hassle to prep, but definitely more  
8 efficient.

9           The second input I want to address is  
10 diatomaceous earth, which has been around from the  
11 first meetings when a bunch of guys like myself  
12 got together and called ourselves organic farms  
13 because we didn't use any synthetic controls in  
14 growing our crops. Diatomaceous earth has been  
15 around as a organic pesticide and has been a great  
16 tool for the organic farmer. And the processing  
17 in the early days, we actually used diatomaceous  
18 earth as part of a filtration product process.

19           We do not use it anymore, but there are  
20 several wineries that still plate -- plate filter  
21 and diatomaceous earth is essential to that form

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1 of operation. Tartaric acid, again, been around  
2 forever. Tartaric acid is a byproduct of  
3 winemaking. And for us as an organic winery, it  
4 is a tool that we use with other methods. But it's  
5 a tool that we use to help control our pH. And  
6 by controlling our pH with the tartaric acid  
7 affords us the opportunity where we don't have to  
8 use any synthetic preservatives in our wine.

9 The last one I want to talk about is  
10 copper. Again, copper has got some restrictions  
11 as it should be, but it is a tool that grape growers  
12 use, stone fruit growers totally dependent on it  
13 and ammo growers as well. This was one of the very  
14 earliest tools, in the early days I grew apples  
15 and some peaches. This was one of the earliest  
16 organic tools that we had to fight curly leaf.  
17 We also use copper as a form of not having to use  
18 water for frost protection.

19 With that said, I'm going to end by  
20 saying I'm very grateful that the NOP finally put  
21 into effect the origin of livestock. It's

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1       unfortunate, and I had to emphasize the word  
2       finally. I'm hoping that in the future when the  
3       organic community is so together to support an  
4       issue that it can be act on quite a bit sooner.

5       Thank you for your time.

6                   CHAIR POWELL-PALM:     Thank you very  
7       much for your comments, Phillip. Any questions  
8       from the Board? All right, again, thank you,  
9       Phillip. Next up, we have Jane Sooby followed by  
10      Emily Musgrave. And then, can it be -- apologies,  
11      I'm getting this right, Gullatte. All right,  
12      Jane, the floor is yours.

13                   MS. SOOBY:     Thank you. Hello, I'm  
14      Jane Sooby with California Certified Organic  
15      Farmers, CCOF. First of all, I'd like to welcome  
16      new members to the NOSB. It's so good to see you  
17      here. I'd like to thank all NOSB members as well  
18      as NOP staff for their dedication to this  
19      democratic process of continual organic  
20      improvement.

21                   As an accredited certification agency,

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1 CCOF's guiding principle and comments to NOSB and  
2 NOP is advocating for standards and procedures that  
3 contribute to consistent decision-making between  
4 certifiers. Consistency is a crucial cornerstone  
5 of organic integrity. Consistency arises from  
6 clear and specific rules that have little room for  
7 interpretation, and thus lead to consistent  
8 enforcement by certifiers.

9 The dictionary definition of  
10 consistent is agreeing, in harmony, in accord.  
11 Here are some examples where clear guidance will  
12 lead to greater consistency. Rulemaking for  
13 pending standards. Examples of organic products  
14 that are commonly certified in the absence of  
15 federal rulemaking include honey, mushrooms and  
16 pet food. Organic certifiers are offering  
17 certification of these products using standards  
18 they've developed that are consistent with the NOP  
19 regulations, but without rulemaking there may be  
20 inconsistency between certifier requirements.

21 The materials subcommittee in their

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1 research priorities discussion document included  
2 the CCOF-suggested priority to research the  
3 creation of an overarching ingredient review  
4 process for ancillaries, incidentals, and inerts  
5 used in organic processing and handling. This is  
6 likely to be a challenging task, but the reward  
7 will be greater clarity in reviewing petitioned  
8 materials, and will standardize decisions made by  
9 certifiers, many of whom have developed their own  
10 approaches to evaluating these materials.

11 And an example of clear direction is  
12 the Compliance Accreditation and Certification  
13 Subcommittee's discussion document on oversight  
14 improvements to deter fraud, where they set forth  
15 specific elements that should be included in a  
16 proposed universal bill of lading. This level of  
17 guidance helps to ensure consistency between  
18 certifiers in developing and auditing such  
19 documents. We understand that some of these  
20 examples require action by the NOP and are not  
21 currently in front of the NOSB. But I hope that

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1 they inform you as you do your important work.  
2 Thank you.

3 CHAIR POWELL-PALM: Thank you so much  
4 for your comments. Any questions from the Board?

5 All right, again, appreciate your time today,  
6 Jane. Next up, we have Emily Musgrave, followed  
7 by Kennedy Gullatte and then Robert Rankin.  
8 Emily, the floor is yours. Okay. There we go.

9 MS. MUSGRAVE: Good morning. Can you  
10 hear me okay?

11 CHAIR POWELL-PALM: Yes.

12 MS. ARSENAULT: Actually, Emily,  
13 you're a little faint. Can you get closer to the  
14 mic?

15 MS. MUSGRAVE: Is that better?

16 MS. ARSENAULT: Better, thanks.

17 MS. MUSGRAVE: Okay. Good morning.  
18 My name is Emily Musgrave. I'm the organic  
19 regulatory manager at Driscoll's. I would like  
20 to thank the NOSB for their commitment to protect  
21 the integrity of the organic program and uphold

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1 the vital regulatory processes of the NOP.

2 My comments focus on the continued  
3 allowance of the following materials. Elemental  
4 sulfur, biodegradable biobased mulch film,  
5 polyoxin D zinc salt, humic acid, and  
6 micronutrients. Driscoll's supports the  
7 continued listing of elemental sulfur for use in  
8 organic production on the national list.

9 Elemental sulfur is a critical  
10 amendment for organic strawberry growers to  
11 decrease pH and alkaline soils and control powdery  
12 mildew. Organic strawberry growers commonly use  
13 both dusting sulfur and wettable sulfur in rotation  
14 with each other. Our growers are aware they must  
15 follow all label instructions and dusting sulfur  
16 also needs special attention to wind patterns to  
17 prevent drift.

18 Organic strawberry growers rely  
19 heavily on dusting sulfur and do not believe that  
20 the sole use of wettable sulfur could be a viable  
21 alternative for control of powdery mildew in

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1 organic production. Growers have found the two  
2 formulations to have different efficacies and  
3 rotating the products limits plant stress, and  
4 reduces the risk of phytotoxicity.

5 Dusting sulfur is preferred over  
6 wettable sulfur, particularly when environmental  
7 pressure of powdery mildew is high, because it gets  
8 more thorough coverage during application.  
9 Driscoll's supports the continued listing of  
10 biodegradable biobased mulch films on the national  
11 list. Driscoll's advocates for keeping BVMS on  
12 the national list as there are still not many widely  
13 available ways to recycle this type of field  
14 plastic.

15 Our growers have long advocated for a  
16 BVMS that they can use on organic branches instead  
17 of taking their polyethylene plastic mulch to the  
18 landfill. Driscoll's supports the continued  
19 re-listing of polyoxin D zinc salt on the national  
20 list, as it is an extremely effective tool to  
21 control botrytis on strawberry, blueberry, and

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1       raspberry crops. It is one of the most effective  
2       tools our berry growers have against controlling  
3       botrytis in organic systems. And it would be a  
4       huge blow to organic growers to have this material  
5       removed from their toolbox.

6                Driscoll's supports the re-listing of  
7       humic acids on the national list as this is one  
8       of the most widely used soil-applied or fully  
9       applied products used by our growers across all  
10      berry types. Driscoll's advocates for the  
11      re-listing of all micronutrient products up for  
12      re-review on the national list. All the  
13      micronutrient products up for sunset review are  
14      important tools for organic growers, especially  
15      as plant and soil amendments are a critical tool  
16      for producing viable organic plants.

17               I thank the National Organic Standards  
18      Board for your service as always, and for your  
19      consideration of my comments.

20               CHAIR POWELL-PALM: And thank you for  
21      your comments and your time today. Any questions

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1 for Emily from the Board? All right. Thank you  
2 so much, Emily. Next up, we have Kennedy Gullatte  
3 from NOC, followed by Robert Rankin, and then Kiki  
4 Hubbard. And I apologize, am I getting your last  
5 name right?

6 MS. GULLATTE: No, you actually are.  
7 Thank you.

8 CHAIR POWELL-PALM: Okay. Good,  
9 good. Thank you.

10 MS. GULLATTE: All right. Good  
11 afternoon. I'm Kennedy Gullatte, and I'm speaking  
12 on behalf of the National Organic Coalition,  
13 minority opinions if NOSB's subcommittee decisions  
14 and public materials. NOC urges NOSB committees  
15 to include minority opinions in their published  
16 materials. The omission of minority opinions does  
17 disservice to the democratic process and all the  
18 expertise that comes to this Board.

19 Minority views inform the  
20 deliberations of the whole board, reflect ranges  
21 of views of all state coders and are common to the

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1 FACA boards. The lack of statement of minority  
2 opinions stifles informed decision-making.  
3 Accuracy of representation matters. Accuracy of  
4 representation matters. When NOSB members  
5 present a summary of a public comment received on  
6 a material petition or other issue, sometimes  
7 comments received on the materials are  
8 misinterpreted by the lead.

9 The lead will state that the comments  
10 are in favor of re-listing when in fact many of  
11 the comments may have come from certifiers who  
12 merely provided the number of operations that lists  
13 the material on the organic system's plan. This  
14 number may not be an accurate representation of  
15 the numbers of operations that are actually using  
16 the material. Since the number does not  
17 accurately reflect the actual use, this data cannot  
18 be properly used. We want to strive to improve  
19 accuracy going forward.

20 Global organic movement consistency,  
21 just as the U.S. Organic Regulatory System benefits

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1 from consistency of interpretation application,  
2 the international organic movement benefits from  
3 consistency as well. There are a few instances  
4 where the U.S. system conflicts with our trade  
5 partners, organic neighbors, IFOAM  
6 interpretations, and codex regulations. Where  
7 possible, we should bring U.S. instances and  
8 alignment with the global organic movement.  
9 Continuous improvement as a community value, not  
10 values continuous improvement because we  
11 understand that organic agriculture is based on  
12 an understanding of ecology and complex systems.

13 We did not see silver bullets, but  
14 improve ways of working with nature. Continuous  
15 improvement is visible in the innovative  
16 approaches we have seen developed in organic  
17 systems, such as pasteurized poultry and organic  
18 no-till. It's most visible on offer in the sunset  
19 provision which provides for the periodic  
20 reexamination of materials used in organic.

21 Organic agriculture is no longer small

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1 and it is global. Because of this growth, the USDA  
2 must be willing to engage in rulemaking and  
3 progress towards organic principles. The USDA  
4 must support continuous improvement by educating  
5 the Office of Management and Budget and others to  
6 make frequent regulatory updates as organic grows  
7 toward achieving our goal of agro systems that are  
8 ecologically social, and economically  
9 sustainable. Thank you.

10 CHAIR POWELL-PALM: Thank you very  
11 much for your comments. Any questions from the  
12 Board? I have a quick question. You were saying  
13 that it might be misrepresentative of actual  
14 numbers when we receive from certifiers the survey  
15 of operations, who use a given substance. Do you  
16 have a recommendation for how better to gather that  
17 information to inform our understanding of its use  
18 in the industry?

19 MS. GULLATTE: Yes, thank you for that  
20 question. No, that's something that I think I need  
21 to discuss with my organic coalition because I

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1 think they know a little bit more about the  
2 background of actually how that happens. But I  
3 would love to get back to you when I find the answer,  
4 I'll --

5 CHAIR POWELL-PALM: Would appreciate  
6 it. Thank you, and thank you for your comments.  
7 Next up, we have Robert Rankin, and then Kiki  
8 Hubbard, followed by Matthew Dawson. Robert, the  
9 floor is yours.

10 MR. RANKIN: Thank you. Good  
11 afternoon, everyone. Robert Rankin,  
12 International Food Additives Council. IFAC is an  
13 association representing manufacturers and users  
14 of food ingredients. That includes a number of  
15 substances permitted for food -- excuse me, for  
16 use in organic handling.

17 IFAC strongly supports the re-listing  
18 of carbon dioxide and sodium phosphates at 205.605  
19 B, as well as pectin at 205.606. These ingredients  
20 are used in alignment with organic principles, and  
21 they're essential to organic food production.

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1 Carbon dioxide is used by IFAC members to produce  
2 carbonated organic certified beverage products.

3 We are not aware of additional commercially  
4 available organic alternatives that have emerged  
5 since the last review.

6 Therefore, removing carbon dioxide  
7 from the national list would likely result in a  
8 reduction in the number of certified organic  
9 carbonated beverages currently on the market. As  
10 a result, carbon dioxide remains essential.  
11 Sodium phosphates also remain essential to organic  
12 food production. Setting phosphates perform  
13 important functions in organic dairy foods,  
14 including stabilizing proteins and promoting  
15 emulsification.

16 While other substances such as citrates  
17 can replace sodium phosphates in some dairy  
18 applications, such as processed cheese products,  
19 our members report sodium phosphates perform  
20 better in most cases, and citrates cannot replace  
21 sodium phosphates in all applications. We are not

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1       aware of any new or compelling evidence regarding  
2       the potential health impacts of phosphates.  
3       However, I'd like to highlight new research  
4       sponsored by IFAC. This shows the majority of  
5       dietary phosphorus comes from natural sources, and  
6       that added phosphorus in the form of phosphate food  
7       additives has actually decreased in the food supply  
8       between 1998 and 2016.

9               In addition to their use in dairy foods,  
10       sodium phosphates help improve the quality and  
11       stability of meat and poultry products.  
12       Therefore, we not only support re-listing sodium  
13       phosphates for use in dairy foods, but we also ask  
14       the NOSB to consider revising its adaptation to  
15       include meat and poultry products labeled as  
16       organic.

17               Finally, IFAC supports the re-listing  
18       of pectin. Pectin is found in almost all jams and  
19       jellies labeled as organic in the United States.

20       Pectin is also used in bakery fillings and  
21       toppings, fruit preparations for dairy

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1 applications, protein drinks, yogurts,  
2 confectionery, fruit beverages, and nutritional  
3 health products labeled organic. Supplies of  
4 organically produced fruit citrus peels remain  
5 insufficient to produce volumes of organic pectin  
6 needed to meet commercial demand for the many  
7 applications where pectin is needed.

8 Therefore, pectin remains essential to  
9 organic food production. Thank you for your  
10 attention. That's all I have.

11 CHAIR POWELL-PALM: Thank you so much  
12 for your comments. We do have a question. First  
13 Brian and then Kyla.

14 MR. CALDWELL: Thanks, Robert. I  
15 apologize, this isn't about a specific substance,  
16 but several of the consumer groups in particular  
17 have registered concern about some of the toxic  
18 substances that can get into organic foods from  
19 either contact surfaces or packaging surfaces.  
20 And, you know, the PFAS is a big deal, BPA and the  
21 phthalates were also mentioned.

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1 I'm just wondering what your  
2 organization is thinking about how to deal with  
3 this sort of really entrenched problem. And  
4 maybe, I don't know, like I say, I know you haven't  
5 been preparing for this question, but I'd be very  
6 curious to hear --

7 CHAIR POWELL-PALM: Oh, we lost your  
8 mic there, Brian.

9 MR. RANKIN: I think I got the  
10 majority. I think he was about done. I  
11 appreciate the question. You are correct that  
12 this is not something at the top of IFAC's list,  
13 we deal with direct food additives. PFAS, BPA,  
14 phthalates are things I would consider to be  
15 indirect food additives or food packaging  
16 materials. If it's okay with the group, I will  
17 try to get some additional questions, a little  
18 detail into this because again, this is -- I would  
19 venture that this is more of a packaging related  
20 question than it is a food manufacturing question  
21 just in the sense that of using the direct food

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1 additives that I represent, like phosphates and  
2 pectin to go into the food product versus potential  
3 leaching of these materials from packaging.

4 So I also do work with some packaging  
5 groups who might be able to address this question.

6 So certainly, if I could follow up maybe with  
7 Michelle and get a little bit more detail on the  
8 specific question, and then try to work with some  
9 of these groups between now and the fall meeting  
10 to answer that. It would also -- you know, I'll  
11 take a look as well as some of the comments you  
12 referenced that maybe comment about some of these  
13 materials. So that's what I can -- and maybe try  
14 to do between now and the fall that's helpful.

15 MR. CALDWELL: Great. Thanks a lot.

16 I really appreciate it. And we're looking for  
17 any kind of input that we can get on these things.

18 I'm not lead on this topic, but I'm very interested  
19 in it. So thanks very much.

20 MR. RANKIN: Okay. I mean, obviously  
21 any of the -- some of these things you mentioned

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1 are -- well, I'll take a look at the comments.  
2 So, thank you.

3 CHAIR POWELL-PALM: All right. Thank  
4 you, Brian. Next up is Kyla.

5 MS. SMITH: Robert, thanks for your  
6 comments. I wanted to actually ask you a comment  
7 that is pertaining to your written comments,  
8 particularly around the phosphoric acid annotation  
9 change. You made a statement in the comment that  
10 stated the petitioned expansion will not result  
11 in an increased phosphorus content in finished food  
12 products, and that should not be a concern to the  
13 NOSB.

14 And I just wondered if you could speak  
15 a little bit more to any knowledge that you have  
16 of particular finished food products and like uses  
17 that the particular functionality and application  
18 of phosphoric acid of -- in extraction process as  
19 it was -- or petitioned for the annotation change,  
20 and how that would relate to a finished food product  
21 wasn't entirely clear. So I was just wondering

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1 if you had any more information in regards to that.

2 MR. RANKIN: Sure. I will first state  
3 that, yes, I can address this in my own comments,  
4 because this is one that we, you know, because we  
5 supported phosphoric acid and do support  
6 phosphoric acid for its existing permissions in  
7 organic food production. And looking at our  
8 comments in your question, my view of use of  
9 phosphoric acid to adjust the pH of an extraction  
10 solvent to extract these materials, in my view,  
11 that is something that's done more on the front-end  
12 of the production process, and that does not mean  
13 that that material would have a real presence in  
14 an ingredient or a food.

15 So, I think that's probably my first  
16 response to your question there. I will say though  
17 that we didn't do as much in terms of looking at  
18 supporting that as we did the sunset review  
19 material. So if there is a little bit more that  
20 we can provide, I can take this back as well and  
21 see whether we can provide a little bit more

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1 information on our end as to -- you're mostly  
2 interested in whether the petitioned expansion  
3 would result in higher levels of phosphoric acid  
4 or phosphorus in the foods?

5 MS. SMITH: Yes. So just it seems like  
6 that this would be acting more as like a processing  
7 aid, but it wasn't really clear in like what types  
8 of ingredients or it was clear that it was -- would  
9 be used as an extraction process for an ingredient,  
10 but ultimately what then those ingredients like  
11 would get used in finished food products for, it  
12 was not clear. And --

13 MR. RANKIN: Okay. I don't know  
14 either off the top of my head. So let me see if  
15 I can figure it a little bit more on our end and  
16 help provide that for you.

17 MS. SMITH: Thanks.

18 CHAIR POWELL-PALM: All right. Any  
19 other questions for Robert? Thank you very much  
20 for your comments and your time, Robert.  
21 Appreciate it.

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1 MR. RANKIN: Thank you.

2 CHAIR POWELL-PALM: Next up, we have  
3 Kiki Hubbard, followed by Matthew Dawson, and then  
4 Adam Seitz, and then we will take a break. So,  
5 Kiki, good to see you.

6 MS. HUBBARD: Thanks.

7 CHAIR POWELL-PALM: All yours.

8 MS. HUBBARD: Thank you. Thanks to  
9 all of you NOSB members and the NOP for creating  
10 this virtual space today. I'm Kiki Hubbard, I'm  
11 the director of advocacy and communications for  
12 Organic Seed Alliance. And for those of you who  
13 aren't familiar with our work, we are a  
14 mission-driven organization that works to ensure  
15 organic farmers have the seed they need to be  
16 successful and we achieve this goal through  
17 research, education and policy advocacy.

18 My comments today will focus on the  
19 materials subcommittee's excluded methods  
20 proposal as well as organic seed. We have been  
21 very supportive of the subcommittee's excluded

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1 methods work, which spanned, gosh, nearly 10 years  
2 now I believe and we have supported all of the  
3 excluded methods proposals that the Board has  
4 unanimously passed to-date. We also support the  
5 current proposal on determinations for cell and  
6 protoplast fusion. And we strongly support the  
7 Board's recommendation within this proposal that  
8 the NOP develop a formal guidance document to  
9 include the criteria, definitions and excluded and  
10 allowed methods tables that were developed as part  
11 of previous proposals.

12 I think we can all agree that  
13 understanding and addressing plant breeding  
14 techniques that may or may not align with the  
15 excluded methods definition is critical work, and  
16 that the lack of clarity risks slowing progress  
17 toward another organic integrity goal, which is  
18 to plants more organic seed on organic land. And  
19 this is an important point of context for the  
20 excluded methods conversation because regulating  
21 excluded methods is more feasible within the

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1 confines of certified organic seed production than  
2 it is within the conventional seed space.

3 And as long as growers -- organic  
4 growers are mostly sourcing conventional seed that  
5 is produced outside the rules of certified organic  
6 production, it's going to be difficult to require  
7 transparency regarding the methods behind the seed  
8 organic growers are using. A few weeks ago, OSA  
9 was proud to release the third update to our state  
10 of organic seed report. And unfortunately, our  
11 most recent data shows no meaningful improvement  
12 in organic producers using more organic seed  
13 compared to 5 years ago.

14 This data makes clear that improvement  
15 in organic seed sourcing is not happening without  
16 regulatory changes. We now have 15 years' worth  
17 of data on organic seed sourcing. And this is  
18 where we are. I'll be expanding on these findings  
19 during a presentation to the NOSB next week. But  
20 the take-home is that organic seed availability  
21 has increased tremendously since NOP was

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1 implemented 20 years ago.

2 And it's time that policy follow suit  
3 to protect the progress that we've made and to  
4 ensure that organic farmers plant more organic  
5 seed, and that more organic food begins with this  
6 critical first input of organic seed. We hope that  
7 NOP will reconsider its rulemaking priorities by  
8 including the timely priorities of both excluded  
9 methods as well as an update to the organic seed  
10 regulation. Thank you.

11 CHAIR POWELL-PALM: Thank you so much  
12 for your comments, Kiki. Any questions from the  
13 Board? Amy.

14 MS. BRUCH: Yes, thank you, Nate.  
15 Thank you, Kiki. Appreciate your time here today  
16 and your written comments, and then looking forward  
17 to your presentation for our upcoming board meeting  
18 next week. This is really fascinating for me, this  
19 subject in particular, and it's really important.

20 I think you made a good point about the guidance,  
21 you know, we can't necessarily do too much if folks

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1 are, you know, using conventional seeds that  
2 industry isn't as transparent as what we want our  
3 organic processes to be.

4 I was wondering if you have some more  
5 information on international producers and their  
6 chains of developing seed and just how, you know,  
7 our program is a very global program now, and I  
8 think there is tremendous efforts being put into  
9 this arena domestically. I was just kind of  
10 curious on an international front.

11 MS. HUBBARD: Yes, we don't collect  
12 international data. I can point you to some  
13 reports by international partners. It is fair to  
14 say that there has been more progress in trying  
15 to close some of the exemptions to use non-organic  
16 seed in other countries. And that's all I can say.

17 At this time, we do not have data at our  
18 fingertips, but I could point you to some promising  
19 leads.

20 MS. BRUCH: Okay, sure. That'd be  
21 helpful. Thank you, Kiki.

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1 MS. HUBBARD: Thanks, Amy.

2 CHAIR POWELL-PALM: We have a question  
3 from Mindee.

4 MS. JEFFERY: Thank you so much for  
5 your work on this subject, Kiki. Just to really  
6 encapsulate it for myself. The foundations of  
7 transparency and organic supply chains, as far as  
8 excluded methods really has to start with organic  
9 seed. Okay. That's -- want to make sure I got  
10 it like in there.

11 MS. HUBBARD: Yes.

12 MS. JEFFERY: Appreciate you. Do you  
13 have anything else you wanted to say on that in  
14 the sense of -- especially regarding the TBD list  
15 as we move forward?

16 MS. HUBBARD: I mean, just that there  
17 are going to remain challenges in terms with  
18 transparency, because some of these methods are  
19 hard to test for, you can't test for them. And  
20 so coming together as an organic community to  
21 create processes and policies that support more

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1 transparency, and that may clear which methods are  
2 excluded or not, is going to go a long way in both  
3 supporting the integrity of the organic label as  
4 well as ensure that we are encouraging more organic  
5 seed usage across the country.

6 CHAIR POWELL-PALM: All right. Thank  
7 you, Mindee. Javier has a question.

8 MR. ZAMORA: Sure. Kiki, thank you so  
9 much for talking about our seeds. And I just have  
10 a question for you. And this is just a -- something  
11 that I've seen lately, as a organic producer  
12 extends his or her operation, the limitations of  
13 sourcing organic seeds are just greater. And I'll  
14 give you a really good example. Are you -- I think  
15 I froze. Are you okay? Are you listening?

16 MS. HUBBARD: I can hear you, yes.

17 MR. ZAMORA: Okay. A couple of years  
18 ago, our Early Girl tomatoes, our seeds, I saw the  
19 package that came out of China. And this is  
20 something we organic growers in the Santa Cruz area  
21 have relied heavily on, you know, dry foreign

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1 tomatoes and seeds that are organic. So I -- my  
2 question to you is, what -- do we know what the  
3 percentage of organic seeds are coming from other  
4 countries that are not necessarily produced in the  
5 United States?

6 MS. HUBBARD: We don't have data on  
7 where all the organic seed in the commercial  
8 marketplace is being produced. We do not have that  
9 data. I mean, the best way to get that data is  
10 to go to the industry themselves and ask for,  
11 Javier. You mentioned -- just quickly, I'll touch  
12 on your point about as you increase scale, or you're  
13 working to transition into organic.

14 Yes, there are a number of reasons why  
15 organic producers haven't been able to source more  
16 organic seed. One of them is quantity, especially  
17 as they scale up. And that's where the important  
18 role of certifiers and inspectors come in, in terms  
19 of encouraging continuous improvement  
20 year-to-year and encouraging for example, earlier  
21 communication with seed producers and seed

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1 suppliers about which varieties are needed, not  
2 only in an organic form, but also in the quantities  
3 they need.

4 This is very much tied to the challenges  
5 that processor and buyer contracts pose as well.

6 In our most recent data, more than 30 percent of  
7 organic farmers who responded to our national  
8 survey, more than 30 percent said that these  
9 contracts with processors and buyers are serving  
10 as a barrier to increasing organic seed usage,  
11 because too often these contracts dictate a variety  
12 be grown that's not available as organic, or  
13 they're supplying the seed directly, and it's not  
14 organic.

15 That is a huge opportunity. Right now,  
16 it's a huge challenge to increase the more organic  
17 seed usage, especially with larger scale  
18 operations. And so there's a real need for your  
19 organic community and for you as a board to come  
20 together about this gap as we see it in the  
21 regulatory space.

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1 CHAIR POWELL-PALM: All right. Thank  
2 you so much, Kiki. Next up we have Matthew Dawson,  
3 and then Adam Seitz.

4 MR. DAWSON: First of all, I just want  
5 to thank you for your service, the organic  
6 community, and the opportunity to participate  
7 today. My name is Matt Dawson. I am the  
8 aquaculture director for Upward Farms located in  
9 beautiful Brooklyn, New York. We've been  
10 operating for about 9 years and are looking forward  
11 to continue growth with our strong consumer demand  
12 that we -- as we set out to build the world's largest  
13 vertical farm, which is currently in the design  
14 phase.

15 Upward Farms is an integrated aquaponic  
16 vertical farm company growing certified organic  
17 leafy greens, but also best aquaculture practices  
18 certified fish under the highest ecological and  
19 quality standards available. We do hope to become  
20 certified organic on the aquaculture side as soon  
21 as possible, as I'm here today. And we -- while

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1 we recognize that several priorities compete for  
2 attention, we're asking the NOSB to begin  
3 reconsideration of inputs and substances on the  
4 -- for exclusion on the national list as  
5 aquaculture practice standards, which have been  
6 previously considered, we trust will be working  
7 their way through the proposed rulemaking.

8 We believe organic food, including  
9 seafood, provides outsized benefits to consumers,  
10 local economies, and the planet alike, and drives  
11 food production towards sustainability. With the  
12 recent executive signing of the Aqua Act, and the  
13 number of land-based facilities currently in the  
14 design or construction phase, the aquaculture  
15 industry here in the U.S. is actually poised for  
16 growth at an unprecedented rate. This means that  
17 the NOSB has a real golden opportunity not only  
18 to shape, but to elevate industry standards while  
19 they're being established.

20 But just a few benefits to kind of gear  
21 yourself towards land-based restricting

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1 aquaculture such as ours that currently provides  
2 -- they provide reduced impact to native fish  
3 populations and ecosystems, minimal need for  
4 antibiotic use, some of the highest food security,  
5 localized production, thereby reducing the food  
6 miles, greenhouse gas emissions, and related  
7 climate footprint, complete traceability of the  
8 consumer including accountability of production  
9 inputs and outputs.

10 And you all know the benefits that  
11 organic practices bring to people on the planet,  
12 you know them far better than I. You are seen as  
13 industry leaders who have the agency to lead the  
14 industry towards positive change to make positive  
15 impacts, and I'm for you to use the agency to be  
16 proactive so that regulations can support the  
17 proactive positive change we all agree we so  
18 desperately need. I want to thank you again for  
19 the opportunity to talk today and provide these  
20 comments and for your consideration. Thank you.

21 CHAIR POWELL-PALM: Thank you so much

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1 for your comments and taking the time to tell --  
2 speak with us today. Any questions for Matt? All  
3 right. Thank you again, Matt. Lastly, before our  
4 break, we've got Adam Seitz with QAI.

5 MR. SEITZ: Good afternoon. My name  
6 is Adam Seitz and I serve as a senior reviewer of  
7 policy specialist for Quality Assurance  
8 International, and SF International Company of a  
9 leading provider of organic certification services  
10 worldwide. Check your local grocery and you'll  
11 find the QAI mark well-represented on its shelves.

12 First, thank you, NOSB and NOP for your  
13 efforts and for the opportunity to comment. On  
14 research priorities, we were a bit surprised to  
15 see the addition of a priority focused on ancillary  
16 ingredient review. It is unclear what the  
17 intended outcome of this research priority is given  
18 there was already a unanimously supported 2016 NOSB  
19 recommendation on a review process for ancillary  
20 substances. It's a complicated topic with various  
21 perspectives, and while most of the positions on

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1 ancillary ingredient review are justified for one  
2 reason or another, ultimately the unanimously  
3 passed 2016 recommendation establishes a workable  
4 path forward for consistency if implemented.

5           Sunset review, please see our written  
6 comments detailing the use of sunset materials by  
7 QAI certified operations. It's worth noting that  
8 every handler input up for sunset review is in use  
9 by a QAI-certified operation. Regarding ethical  
10 guide sunset review, QAI asked the NOSB discuss  
11 and potentially clarify via annotation the  
12 permitted forms of ethical guide specifically with  
13 regards to whether acid leach activated or treated  
14 forms are permitted by its national list inclusion.

15       Please see QAI's written comments for background  
16 on this topic.

17           On sodium carbonate sunset review, we  
18 request that the NOSB examine the prevalent  
19 manufacturing processes to ensure appropriate  
20 classification and/or annotation as it appears  
21 sodium carbonate may be more appropriately listed

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1 at 605-B with an annotation to only permit forms  
2 produced via the Turner (phonetic) process.

3 Phosphoric acid; QAI does not have a  
4 position on the current annotation change  
5 petition. However, while examining a potential  
6 annotation update, please consider correcting its  
7 current national list inclusion. The current  
8 annotation allows phosphoric acid for cleaning of  
9 food contact surfaces and equipment only. The  
10 listing of phosphoric acid as an approved cleaner  
11 at 605-B causes confusion regarding its permitted  
12 uses.

13 Cleaners are nearly always removed from  
14 food contact surfaces via water rinse prior to  
15 contact with organic product. Sanitizers,  
16 however, are rarely removed from food contact  
17 surfaces via water rinses. Doing so typically  
18 violates label use instructions and their purpose.

19 There appears to be uniform acceptance, at least  
20 based on current interpretations of what is and  
21 what is not required to be on the national list,

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1 that cleaners removed via validated and  
2 intervening event do not need to be listed, whereas  
3 sanitizers that are not removed do require  
4 inclusion on the national list.

5 This is of course pending further  
6 discussion on the food context substances can of  
7 worms. Depending on how the NOSB addresses the  
8 current phosphoric acid annotation change  
9 petition, it may be appropriate to either remove  
10 phosphoric acid from 605-B entirely, if only  
11 intended for use as a cleaner, or to annotate as  
12 allowed for sanitizing food contact surfaces and  
13 equipment. Thank you for your time.

14 CHAIR POWELL-PALM: Thank you for your  
15 comments. Any questions from the Board? All  
16 right, appreciate it, Adam. We're going to break  
17 for 15 minutes. Coming back at 45 after the hour.  
18 We're going to start with Bill Wolf, and then  
19 Linley Dixon, and then Tim Cada. So see you all  
20 back at 45 after the hour.

21 (Whereupon, the above-entitled matter

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1 went off the record at 3:29 p.m. and resumed at  
2 3:45 p.m.)

3 CHAIR POWELL-PALM: Are you ready to  
4 go, Michelle?

5 MS. ARSENAULT: Bulls eye there. One  
6 moment, we'll get Bill's slide up.

7 CHAIR POWELL-PALM: Okay. Sounds  
8 good.

9 MS. ARSENAULT: One moment, Bill. All  
10 right.

11 CHAIR POWELL-PALM: All right. Bill,  
12 the floor is yours.

13 MR. WOLF: Wow, okay. You guys are  
14 really on time. This is amazing.

15 CHAIR POWELL-PALM: It's the U.S.  
16 government, sir.

17 MR. WOLF: Well, I would say that every  
18 NOSB meeting, I've never seen comments actually  
19 hit the time that was on the schedule. And now  
20 I'm using up my time.

21 Okay. I am Bill Wolf with Second Star

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1 Farm and Wolf & Associates. I've been an organic  
2 farmer, entrepreneur and consultant for 50 years,  
3 focused on increasing organic acreage to foster  
4 better stewardship worldwide. NOSB topics were  
5 simpler at the first NOSB meeting 40 years ago.

6 Today you tackle more issues than any other FACA  
7 in the entire country. I thank each of you for  
8 the awesome volunteer work you do. And I strongly  
9 urge you to receive more staff support.

10 Slide 2, please. Organic has grown  
11 exponentially, but infrastructure has not kept up.

12 Wolf & Associates submits a range of written  
13 comments, including ways to address this growth.

14 We recommend prioritizing and sometimes rejecting  
15 non-essential topics. This means triage. We  
16 also and, John Foster, my associate, addressed this  
17 earlier, strongly request that commercial  
18 availability apply to Section 605. I'll get into  
19 more details on two of these. Viewing the National  
20 List as a toolbox for growth and improvement and  
21 accepting expert support for your work.

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1                   Slide 3, please. The National List is  
2 a toolbox, not a soapbox to attract political and  
3 non-organic social agendas. The goal should not  
4 be to shrink the list. Famers and handlers need  
5 to complete a robust set of materials that meet  
6 the strictest evaluation criteria in the world.  
7 Annotations should only clarify, not complicate  
8 and the decisions you make to protect choices,  
9 materials that aren't widely used now, maybe useful  
10 in the future, organic farmers deserve and need  
11 a robust toolbox. When publishing proposals for  
12 comment, please make sure the information is  
13 accurate, which takes me to the next slide.

14                   As an advisory board, your job is to  
15 make recommendations in difficult positions, not  
16 be experts on everything or expend valuable  
17 volunteer hours on operational processes. Three  
18 areas where expert's important, will help you do  
19 your work, verify facts, help prepare subcommittee  
20 recommendations, summarize and accurately report  
21 on the content of oral and written comments and

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1 draft your recommendation so that they can actually  
2 be accepted, implemented and enforced.

3 Slide 5, please. Earthworms are a de  
4 facto mass found in organic agriculture. I've  
5 brought earthworms to in-person meetings and so  
6 these virtual webinars will have to suffice now.

7 When you vote, please consider what would be good  
8 for them.

9 Slide 6, please. Applying all of these  
10 principles. We have submitted comments on  
11 numerous topics, some are listed here, please  
12 review it.

13 Slide 7. Thank you for this  
14 opportunity.

15 CHAIR POWELL-PALM: Thank you, Bill.  
16 Appreciate your time and your work in the  
17 industry. Any questions from the board?

18 I have just one. Since you did note  
19 that we are on time, I better throw a wrench on  
20 that. Could you speak a little bit to, if we're  
21 saying in the next 10 years, we want to see organics

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1 be half the food market, not just 5 percent. What  
2 are the key moves that either regulations, the  
3 market or us as the leadership and voice of the  
4 community on NOSB can be making to help catalyze  
5 that more rapid transition of farms to organic,  
6 but in a way that meaningfully supports farming  
7 families?

8 MR. WOLF: Good question, complex  
9 question and yet fairly simple. One of the biggest  
10 challenges I think the organic community faces is  
11 our divisiveness. What I mean by that is that  
12 because there's tension and messaging to the public  
13 and to the media and to government officials that  
14 there is, that we don't, we aren't unified about  
15 many things. We're easily ignored. It's easy for  
16 the Secretary of Agriculture to say no, I'm not  
17 going to do this, I'm not going to do that. Or  
18 that the USDA is going to not really treat organic  
19 as a major climate change initiative. They're  
20 going to move elsewhere.

21 So, our very divisiveness plays a huge

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1       role.  When you actually go back to what the USDA  
2       Organic Seal represented in 2002 to 2003, when it  
3       first appeared, the public considered it the most  
4       trusted label ever in the marketplace.  That  
5       declined from the 90 percent tile to below 50  
6       percent.  I don't know the current poll number,  
7       but it's not a trusted seal in the way it was.  
8       And that hurts all of us regardless, I mean, there  
9       are problems with certification.  There are some  
10      fraud, et cetera.  But the fundamentals are sound.

11      And so a united front would make a huge difference.

12      And with those differences and disagreements, we  
13      need to hash out and have a place to hash out, rather  
14      than being the circular firing squad.

15                 The second part is acreage in U.S. with  
16      a huge amount of organic production is still crops  
17      that are imported that could be produced here.  
18      I understand and accept and appreciate bananas and  
19      coffee and all kinds of crops that can't grow here.

20      But the ratio of grain, the ratio of acreage isn't  
21      even close to 5 percent acreage in U.S. and focusing

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1 on encouraging that acreage, creating economic  
2 incentives. If you look at what the European Union  
3 is doing compared to what the USDA is doing, it's  
4 like night and day. We're tolerated versus  
5 accelerated.

6 So, I don't want to get you too far off  
7 your time schedule. But those would be my two  
8 biggest points of really getting to 50 percent.

9 CHAIR POWELL-PALM: I so appreciate  
10 that, yes. I think protecting what we've built,  
11 but also promoting it needs to go hand in hand.

12 All right. Thank you so much for your comments.

13 MR. WOLF: Thank you.

14 CHAIR POWELL-PALM: We'll go on to  
15 Linley Dixon. And then we'll have to Tim Cada and  
16 Jill Smith. So, Linley, please go ahead.

17 MS. DIXON: Hi, I'm Linley Dixon,  
18 Co-Director of the Real Organic Project and owner  
19 of a certified organic vegetable farm in Southwest  
20 Colorado. I want to simply remind the NOSB and  
21 NOP that climate change is the environmental crisis

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1 of our time. And it's not clear to consumers that  
2 organic is already a label that has so many climate  
3 benefits. I believe this is because the Nash  
4 organic program has failed to uphold the language  
5 and OFPA, specifically the requirements to  
6 maintain and improve healthy soils. There is so  
7 much greenwashing and confusion around what  
8 constitutes climate smart. We've even seen it  
9 today. Everyone's claiming it and it's only going  
10 to get worse.

11

12 I'm going rogue today to share a story  
13 that an organic pioneer shared with me in my travels  
14 through the organic project. And it's helped me  
15 to wipe away the confusion that creeps in while  
16 listening to all the lobbying from various  
17 stakeholders. This organic pioneer told me to  
18 imagine a continuum of the most sustainable  
19 organic, regenerative, whatever term you want to  
20 call it, climate smart farm on one end and then  
21 the most climate destructive farm on the other.

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1       And imagine that every operation falls somewhere  
2       along that continuum. This farmer said that the  
3       most sustainable farm at the start of the continuum  
4       is simply a farmer with a shovel and some seeds.

5       And then the more inputs you add, the further down  
6       that line away from perfect sustainability you're  
7       going to go. And so you get to the very opposite  
8       extreme where you have either a confinement or a  
9       hydroponic operation where all of the inputs,  
10       including the soil and all the fertility are  
11       completely sourced externally, regardless of  
12       whether or not the inputs are on the National List,  
13       they all have a story behind them. And as one  
14       former NOSB member told me, it's not a story you  
15       want to hear.

16               In short, these inputs had a climate  
17       impact to get to the farm. And to really be climate  
18       smart, you're going to have to sequester that  
19       carbon back. I'm not so naive as to think that  
20       all the farms can be that beautiful image of a  
21       farmer with a shovel and some seeds. That's why

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1 we have a National List in our organic program.

2 But my hope is that this image of the continuum,  
3 based on adding more and more inputs, leaving you  
4 further and further astray from that true  
5 sustainability can help you clarify your thinking  
6 and you can use it in your decision-making. You'll  
7 have to draw that arbitrary line somewhere along  
8 that continuum for what is organic to you, guided  
9 by OFPA.

10 We're all going to inevitably choose  
11 it in a different place. But remember that every  
12 input you approve in organic will inevitably  
13 disincentivize a more sustainable way. As some  
14 of our real organic farmers have said, allowing  
15 something often inadvertently mandates it because  
16 it results in a cheaper way. Please use your  
17 esteemed position as National Organic Standards  
18 Board members to publicly fight for the language  
19 in OFPA that describes what organic farming is.  
20 And we'll remind the world why organic is always  
21 the best choice, especially when it comes to

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1 climate.

2 Thank you for volunteering your time  
3 and I hope this story can help guide you through  
4 all of the greenwashing fog.

5 CHAIR POWELL-PALM: Thank you, Linley.

6 That was lovely. Does anybody on the board have  
7 a question for Linley? Hearing none. I have a  
8 question. And similar to what I asked Bill Wolf,  
9 despite everything, we're still only 5 percent of  
10 the market. We're still only 1 percent of the  
11 land. Well, what's it going to take to get to 50  
12 percent of the market? And hopefully all of that  
13 grown domestically or everything we can  
14 climatically grow domestically, how do we get that  
15 position at the table for being the climate smart  
16 solution and making it so that we are able to  
17 leverage everything we've built to actually have  
18 a meaningful impact in the biggest challenges we're  
19 facing, as you said it in the beginning, climate  
20 change?

21 MS. DIXON: I think we need to be

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1 louder. I think we need to have acted as farmers.

2 I think we need to stand up for what we believe  
3 in. I think we need to describe organic as more  
4 than just something without unapproved inputs on  
5 it because it is so much more. I live in an organic  
6 farming community, lots of organic farmers and  
7 growing. And there are only a handful that are  
8 certified organic and I believe that is because  
9 we are failing to enforce OFPA and be very vocal  
10 about what organic is. I think it's becoming a  
11 more industrialized label. And so many of the next  
12 generation of farmers are not seeing themselves  
13 as organic farmers anymore and they are, and we  
14 need to bring them back by, you know, being vocal  
15 as a community about who we are. CHAIR

16 POWELL-PALM: Is there a way to be vocal as a  
17 community without the circular firing squad?

18 MS. DIXON: I actually don't know that  
19 there is a circular firing squad. I think the  
20 organic movement are the organic farmers. And I  
21 don't think we, you know, these basic tenants, the

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1 principles about what organic farming is are across  
2 the board. It's what the organic farmers believe  
3 in. And I think the industry has invented a  
4 circular firing squad. I don't think it really  
5 exists among the farmers.

6 CHAIR POWELL-PALM: Thanks for your  
7 comment today. Appreciate it. Next up we have  
8 Tim Cada follow by Jill Smith and then Dave Chapman.

9 MR. CADA: This is Tim.

10 CHAIR POWELL-PALM: All right. We can  
11 hear you. Go ahead.

12 MR. CADA: Good. Hey, my name is Tim  
13 Cada, I'm organic farmer from Clarkson, Nebraska.

14 Farm has been in the same family since 1871. I  
15 got certified in '94 with our 400 acres. This year  
16 we have about 1,100 of which half is rangeland.

17 We do not rent any ground. I have served on  
18 numerous OCI Boards, state and internationally.

19 We are certified by OneCert today, couple of  
20 people today, I know that we're on, it's like four  
21 or five of you, it's kind of cool to see you. This

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1 meeting kind of reminds me of old OSGI (phonetic)  
2 days.

3           Organic fertilizers changed a lot in  
4 the last 25 years. More large companies see a need  
5 for more potent nitrogen source and it kind of get  
6 frustrating. A lot of big farmers that have a  
7 little bit of organic are testing the waters. Or  
8 they just want to make easy money, bouncing in and  
9 out as it fits their schedule. Clean out a  
10 machinery, mixing grain, do they really care about  
11 anything but the money. I see it in my  
12 neighborhood. I've heard about it in Eastern  
13 Nebraska. Actually in Nebraska as a whole, just  
14 there is a comment here and a comment there where  
15 somebody is using herbicide as a burn down. And  
16 these things get reported to USDA and that's the  
17 last thing you ever hear of it. Does anything ever  
18 happen?

19           Mark Kastel talked about big company  
20 fraud. Sure, there is big company fraud. What  
21 about fraud at the local level, where local

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1 neighbors or maybe that we know that organic have  
2 twice the corn meal that we've had and good for  
3 them, that's cool. They put it in their bin and  
4 then another neighbor says, I thought this was the  
5 organic corn, why are you holding it to a local  
6 feed yard? Questions like that, when I hear  
7 comments like that from people, it's like, what  
8 are we doing to please ourselves. Small farms can  
9 pay for the audit, the supplies audit that would  
10 just be the yearly inspection of the year. I'll  
11 substitute it in that way.

12 It would be more of a surprise  
13 inspection than a planned inspection. If I know  
14 you're coming, I know I better have my paperwork,  
15 but what about 3 weeks earlier? Maybe that's a  
16 good time to show up. I've heard of guys telling  
17 corn out of the organic vignette, I went over that.

18 Kiki talked about organic seed. I've been told  
19 to wait longer to order my seed, that way I have  
20 to buy non-organic seed because the organics seed  
21 available this year, \$40 organic soybeans, buys

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1 a lot of \$40 seeds. Years ago an organic producers  
2 spread his corn with 2,4-D, nobody will ever know.

3 Well, how do we catch those guys? I see my time  
4 is about out, guys. I do respect you guys. Keep  
5 up the good work and it's kind of cool except the  
6 May and October meeting times don't coincide with  
7 our planting and harvesting.

8 CHAIR POWELL-PALM: Thank you. Thank  
9 you so much, Tim. I hope you understand how mutual  
10 the respect is. We really appreciate your insight  
11 and taking the time to speak with us today. Any  
12 questions from the board for Tim? I have one.

13 As a long time organic farmer, what  
14 would you say is, how would you describe the  
15 difference between organic farming as far as its  
16 ability to enable a resilient business, a resilient  
17 farm? And compare that, contrast that with  
18 conventional farms who are looking at shocks to  
19 their supply chain, shocks to their systems, say  
20 in the fertilizer realm. What's the fundamental  
21 difference that you see between organic farming

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1 and conventional farming?

2 MR. CADA: This year and a few years  
3 ago when corn hit \$7, I asked myself why I am organic  
4 farming? I know why I'm organic farming, but my  
5 income has been the same as my neighbors. It had  
6 always kind of kicks me off. I go through more  
7 work. We looked for a little bit more money as  
8 if we're more proud of our crop. We know that it's  
9 going to Clarkson specialty grains or to free those  
10 or to Clarkson grain, you know, wherever, we know  
11 our product is ending up.

12 We bought 80 acres across the road this  
13 year. My one son says no, I'm going to farm it  
14 conventional, dad, because I can get \$6 corn. Well  
15 today corn is \$8.25 I believe at the local corn  
16 plant. And he says, we'll switch it to organic  
17 after that, it's easy money. Now, and then he says  
18 good thing I don't need any 11520 because I can't  
19 afford it this year. So the fertilizer costs are  
20 hitting the young guys, you know, pretty hard.  
21 And he's saying, next year we will put it into

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1 falcon. We'll sort of -- we're going to  
2 transition.

3 CHAIR POWELL-PALM: Okay. Do you  
4 think that there's something that is missing in  
5 our industry to keep organic as a more obvious  
6 choice for long-term investments by producers?

7 MR. CADA: Do you remember 3 or 4 years  
8 ago, successful farming had to meet your new boss  
9 and it was a mother and her child on it. An acres  
10 (phonetic) conference was held in Omaha that year,  
11 since it was Omaha, I guess, I better go. And I  
12 believe Gary Zimmer was up talking. And at the  
13 end of his talk, he brought her up on that screen,  
14 says, look at your new boss and my hair just stood  
15 up because I was thinking the same thing.

16 You know, as a soybean producer, we  
17 don't have to pay check-up on soybeans. I call  
18 into Missouri to get my exemption as usual. And  
19 finally, after all of these years, I told the gal  
20 I'd like my money back because you really don't  
21 do anything for organic. And lo and behold, her

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1 answer was, well, what do you think we're going  
2 to get all our food from? The thought process is  
3 changing with our younger people and it's kind of  
4 cool to see. My 21-year-old son wants to farm now.

5 He says I want to keep it organic, dad, because  
6 it's the way to go. Young kids are seeing, it's  
7 working. And besides that, the Roundup doesn't  
8 taste very good.

9 CHAIR POWELL-PALM: Thank you, again,  
10 so much. Amy, I saw your hand go up. Did you have  
11 something real quick?

12 MEMBER BRUCH: Oh, sure. Thank you,  
13 Nate. Thank you, Tim. I know you're a busy guy  
14 being farming season here in Nebraska. I just  
15 wanted to ask you the question, you were talking  
16 about just kind of transparency a little bit. One  
17 of our agenda items is kind of the verification  
18 keys. Do you think it would be worthwhile for  
19 acres and products, acres and crops, if you will,  
20 to be placed on the organic certificate of each  
21 producer?

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1                   MR. CADA: That's the way OneCert used  
2 to do it and then they changed it. I believe they  
3 changed it. I can't say for sure. I just don't  
4 remember. But the acres are a pretty good deal  
5 because if I have the same inspector as my neighbor,  
6 and my neighbor has 200 bushel of corn and I have  
7 a 100 bushel of corn, you better be going like  
8 what's the difference there. It's got to be, there  
9 is an issue. Acres, yes. I don't have a problem  
10 with that as long as the yields are closed, you  
11 know, 140 or 160 bushel of corn is fine. But if  
12 you come up with 220 organic corn in dry land,  
13 something is wrong, if nobody else has corn as that  
14 much, you know. There's a lot of things to look  
15 at there, Amy, it is concerning.

16                   MEMBER BRUCH: Okay.

17                   CHAIR POWELL-PALM: Thank you, Tim.  
18 Really appreciate your comments and your time  
19 today. And thank you, Amy, for that question.

20                   We're going to go on to Jill Smith,  
21 followed by Dave Chapman and then Gwendolyn Wyard.

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1 Jill, all yours.

2 MS. SMITH: Okay. Hi, everyone. I'm  
3 Jill Smith, Executive Director at the Western  
4 Organic Dairy Producers Alliance. Some of you  
5 know us as WODPA. And I'm also an organic producer  
6 out in Eastern Washington. So, first I'd like to  
7 thank you guys for the opportunity to provide  
8 comments on behalf of WODPA today and thank all  
9 of you board members for your service to the organic  
10 community. I'd also like to express my  
11 appreciation for you guys standing by as we work  
12 towards a final rule on origin of livestock. Your  
13 support was unwavering overall those years.

14 So, 2022 has brought some wins for  
15 organic dairies. I'd briefly like to share the  
16 enormous battle we're experiencing across the  
17 West. And that battle is to actually stay in  
18 business as an organic dairy. As I pulled  
19 producers with questions about materials for  
20 livestock and other NOSB issues, I was  
21 overwhelmingly met with greater concern about

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1 making ends meet and what the future looks like  
2 for their dairies. I'm concerned that we're  
3 facing a new landscape. And it's a landscape that  
4 includes fewer small to mid-scale size organic  
5 dairies with a declining costs combined with  
6 buyers, droughts, flooding, you name it, and our  
7 milk prices staying stagnant for years. This  
8 looks to be possibly a disastrous time for organic  
9 dairies in the west.

10 And there's a trickle-down effect that  
11 comes along with that, that impacts our entire  
12 organic community. On the home front we face the  
13 myth that organic producers make more money because  
14 organic products sell at a premium price. Yet  
15 we've remained far from achieving a fair living  
16 wage for our dairy producers. And these producers  
17 provide year round jobs within our rural  
18 communities, buy the organic feed crops, purchase  
19 inputs locally and from our manufacturers within  
20 the broader organic community as well as by  
21 providing byproducts such as manure that's used

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1 in crop production.

2 And I realize I'm straying from  
3 comments on other specific issues that we're  
4 addressing today. But I share this because I think  
5 it affects all of us within the organic community.

6 In addition, we're in desperate need of data and  
7 transparency in our milk market. As producers are  
8 faced with making these tough decisions on their  
9 operations, especially given our current  
10 environment, they find little to no information  
11 to make decisions on the future of their dairy.

12 I'd encourage USDA to consider how they can  
13 provide help in this area and show greater regional  
14 information.

15 With the questions on supply chain  
16 traceability, I do believe we should include crop  
17 reporting with those acreage for those pieces of  
18 the farm, excuse me, that are dedicated to pasture  
19 and the number of cows as this is essential to  
20 verifying pasture compliance or pasture compliance  
21 being met, pardon me.

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1           As stated in my comments, we support  
2           the relisting of the livestock materials under  
3           consideration, and I largely heard that now is not  
4           the time to limit the tools for organic dairy  
5           producers. After listening today, there are some  
6           things I wish I could comment. At this time I'll  
7           thank you for your service and the chance to provide  
8           comments on behalf of WODPA. And I'd be happy to  
9           answer any questions you have on substances or  
10          anything else that I didn't get to today and make  
11          comments and get it covered very well.

12                   CHAIR POWELL-PALM: Thank you for your  
13           comments as well as for all the work that WODPA  
14           does.

15                   MS. SMITH: Thank you.

16                   CHAIR POWELL-PALM: Do we have any  
17           question from the board? I have a quick one for  
18           you, Jill. When we look at this question of farm  
19           viability, and this is a question we ask ourselves  
20           across the entire nation. It's not really  
21           regional specific. What besides, I guess, outside

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1 of NOSB, it seems like we have a lot more tools  
2 for addressing this question of farm viability.

3 Be it co-operative marketing, supply control,  
4 other avenues we have to try to figure out how do  
5 you shore up these family instances (phonetic).

6 Do any come top of mind for what the biggest thing  
7 the organic community should be looking at? I  
8 think as NOSB and as a community we often find  
9 ourselves very much in the weeds about materials,  
10 very specific questions on practices. But the big  
11 picture, could you kind of bring us to a higher  
12 view for what we can be doing and thinking about?

13 MS. SMITH: Well, I think one thing we  
14 have to think about when it comes to organic  
15 products is looking at the true cost of production.

16 And being paid based on that cost of production  
17 versus just having a price dictated to us without  
18 taking that information into consideration, I  
19 think that's a huge piece to it.

20 And I think we've heavily, in the past  
21 couple of years, relied on programs which nobody

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1       wants to do. But if these programs are going to  
2       be out there, than we also need to ensure that they  
3       have organic specific accommodations. And very  
4       few of them actually apply to the smaller  
5       producers, you know, I was part of the conversation  
6       where it was thrown out that there were so many  
7       programs or 50 some programs that apply to dairies.

8       But when you look at that, you know, we're smaller  
9       typically than the dairies that are producing a  
10      huge amount of milk. And they don't work for us,  
11      you know, because we're not big, huge dairies with  
12      big volumes and that sort of thing.

13                So, we need help in that area too to  
14      get things that are specific to organic and organic  
15      dairy, especially as we see conventional milk  
16      prices being at record highs, you know. So, those  
17      programs don't work the same way for us. And, you  
18      know, even one of the latest programs that came  
19      out, comments were sent back that we had to look  
20      at hauling our cattle to forage, not just the  
21      freight on feed that we're bringing in, but the

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1 expenses that we have as we move cattle to pastures  
2 and that sort of thing, whether it be Heifer's Dry  
3 Cows. But we have to look at those added expense  
4 as well. So, we need some organic consideration.

5 And I think another huge concern I have is that  
6 regenerative may take over regenerative organic.

7 And can we be lost in that shuffle, you know, how  
8 does organic set itself apart, so it's not lost  
9 in that regenerative movement.

10 CHAIR POWELL-PALM: Really appreciate  
11 that. Yes, unified messaging. I think we're  
12 hearing that a lot. Thank you for your comments  
13 today. Appreciate your time.

14 MS. SMITH: Okay. Thanks.

15 CHAIR POWELL-PALM: Next up, we're  
16 going to have Dave Chapman, followed by Gwendolyn  
17 Wyard and Johanna Mirenda. Dave, floor is yours.

18 MR. CHAPMAN: Okay. I'm trying.  
19 There we go. Okay. Thank you very much, Nate.

20 Hi, everybody. Dave Chapman. I'm a long-time  
21 organic farmer from Vermont. And I'm also

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1 Co-Director of the Real Organic Project.

2 And I want to speak today about a recent  
3 NOP action on one of the hot issues that organic  
4 certification is facing. A number of certifiers  
5 have stated that they will not certify chicken  
6 porches or CAFOs, even though it is allowed by the  
7 National Organic Program. CCOF is one of those  
8 and they've been given the investing and integrity  
9 award for many years at the same time insisting  
10 that they will not certify these operations.

11 We're facing several challenges.  
12 They're defining practices of organic farming that  
13 had been abandoned by the USDA these days. And  
14 it creates tremendous turmoil in the organic  
15 movement. There are also a number of certifiers  
16 who refuse to certify hydroponic production as  
17 organic. And that's what I wanted to mention.  
18 One of the most vocal of these is OneCert. And  
19 they were recently issued a noncompliance by the  
20 NOP. It was suggested that they, if they would  
21 just say they lack the administrative capacity to

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1 certifier hydroponics, all of it would be forgiven.

2 But they didn't, because they didn't, it wasn't  
3 true. They just didn't believe that certifying  
4 hydroponics was legal based on their understanding  
5 of OFPA. So they were awarded a non-compliance  
6 which has been put on hold pending the outcome of  
7 the lawsuit.

8 Few things. The NOP tolerates or even  
9 celebrate certifiers who refuse to certify CAFOs,  
10 but they punish certifiers who refuse to certify  
11 hydroponics. OneCert's non-compliance was about  
12 obedience, not about bad action or behavior. It  
13 was not based on their certifying an undeserving  
14 operation. Well, other certifiers are doing the  
15 same thing. OneCert is the one being called out,  
16 which makes it look as if OneCert has been called  
17 out to serve as an example to all and instill some  
18 fear into the many certifiers who are not  
19 certifying hydroponic. The majority of certified  
20 farms in America agree with the position taken by  
21 OneCert and virtually all other countries in the

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1 world agree with OneCert. So, this is an example  
2 of the USDA redefining organic to suit certain  
3 corporate interests.

4 The thousands of organic farms that do  
5 not believe that hydroponics should be in the  
6 organic program will not quietly stand by while  
7 those certifiers known and respected for their high  
8 levels of integrity are punished. Thank you very  
9 much.

10 CHAIR POWELL-PALM: Thank you very  
11 much for your comments, Dave. Do you have any  
12 questions from the Board?

13 Seeing none, I will pose a similar  
14 question to kind of the theme of the afternoon.

15 I live in rural America as many on this call do.  
16 I cannot find any organic food in many of the  
17 grocery stores which I shop in. What do we do to  
18 make it so that we can all realize access to organic  
19 foods? I guess, actually let me phrase it a little  
20 different. With your concerns about all the  
21 different production practices, why don't we see

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1 the market flooded with organics? Why is it still  
2 5 percent of the market, 1 percent of the land,  
3 if it's so easy to have these practices that you  
4 say just be not necessarily in the spirit of OFPA?

5 MR. CHAPMAN: Yes, it's great  
6 question, Nate. I appreciate you asking it. You  
7 know, the EU has got 36 million acres of certified  
8 organic land and the U.S. has about 6 million acres.

9 And we have greater organic sales than they do,  
10 not by much. They're keeping up pretty closely.

11 And the amazing thing about that is that they don't  
12 certify hydroponics and they don't certify CAFOs.

13 So, I would say they're doing this with a much  
14 higher level of integrity, which I think is going  
15 to help their program grow faster, even though it  
16 costs more. Undoubtedly, the large CAFOs are  
17 making a cheaper product that is being called  
18 organic and so are the hydroponic producers making  
19 a cheaper product. That is part of the problem.

20 But if we look at the EU, we can see  
21 that that has not limited the growth of the organic

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1 program. The other big thing that I think to look  
2 at in the EU is there's tremendous support from  
3 the governments for organic, real support. It  
4 goes far beyond what the USDA is doing. And  
5 they're working on training and education and  
6 research. They're not subsidizing it. Well,  
7 they're not subsidizing the terms of making the  
8 food cost cheaper, but they are, for example,  
9 subsidizing organic certification. In Denmark,  
10 it's entirely free to be certified to organic.  
11 The government carries that Bill. And I think our  
12 government should. And at the very least, I  
13 promote my dream of having any farm that grows is  
14 less than a quarter million dollars, get free  
15 certification. And I hope you all fight for that  
16 in the next Farm Bill because we should have that.

17 CHAIR POWELL-PALM: Thank you for that  
18 call out to Farm Bill, where a lot of good work  
19 for organics should happen. And thank you for your  
20 comments today, Dave.

21 MR. CHAPMAN: Thank you, Nate.

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1 CHAIR POWELL-PALM: Next up, we have  
2 Gwendolyn Wyard, followed by Johanna Mirenda, and  
3 then Cynthia Smith.

4 MS. WYARD: Okay. Can you hear me  
5 okay?

6 CHAIR POWELL-PALM: I can.

7 MS. WYARD: All right. Now, give me  
8 just a moment here and I will get started. All  
9 right. Well, good afternoon, NOSB members, NOP  
10 staff and organic stakeholders in the virtual  
11 gallery. My name is Gwendolyn Wyard and I'm Vice  
12 President of Regulatory and Technical Affairs for  
13 the Organic Trade Association. I'm commenting  
14 today on behalf of over 9,500 organic businesses  
15 across all 50 states and our missions to protect  
16 and promote organic with unified voice. My  
17 comments will address excluded methods  
18 terminology, the critical role of increasing  
19 organic seed usage and the importance of staying  
20 engaged in the rulemaking process from the  
21 beginning to the end.

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1           On excluded methods, OTA is in full  
2 support of the subcommittee's proposal and we urge  
3 NOSB to pass it as written at this meeting. In  
4 our written comments after we state our support,  
5 we go on and we talk about the importance of organic  
6 seed usage and its connection to this proposal.

7       As Kiki Hubbard discussed earlier, organic  
8 operations are obligated to ensure non-organic  
9 seed is in fact produced without excluded methods.

10       But this can be a challenge since its production  
11 falls outside of the organic certification and  
12 oversight system. So, the answer is more organic  
13 seed as a requirement.

14           It's OTA's long time position that our  
15 best option for success is to focus on regulate  
16 organic seed and put our energy into the  
17 development of organic seed production and organic  
18 seed breeding. Organic not only helps keep GMOs  
19 out of organic, but it is the fundamental starting  
20 point in building a thriving and resilient climate  
21 organic smart system. To this end, we want to see

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1       USDA prioritize the 2018 NOSB recommendation that  
2       updates the organic regulations to require  
3       increased organic seed usage over time.

4               We want to thank NOP for requesting  
5       feedback from stakeholders in a federal register  
6       notice earlier this year, and for sharing how to,  
7       I'm sorry, prioritizing upcoming standards  
8       development and for sharing its current thinking  
9       on the outstanding NOSB recommendations. Because  
10      only now can we really understand that NOP is not  
11      prioritizing the recommendation on increasing  
12      organic seed usage because they believe it's  
13      already addressed by the organic regulations.  
14      This is important information to understand.  
15      Given this, we were able to bring forth important  
16      history and explain that NOSB initially  
17      recommended increased organic seed usage in  
18      guidance, but NOP explained to NOSB that their  
19      guidance exceeded the regulations and that if NOSB  
20      wanted to recommend continuous improvement, the  
21      regulations would need to be revised. Thus the

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1 2018 recommendation, that's not being prioritized.

2 Unfortunately, the NOSB process and key  
3 information that informed the recommendation is  
4 not carried forward or maintained.

5 So, here's the moral of the story, the  
6 called action standards development that begins  
7 with NOSB, does not and should not end with NOSB.

8 When a recommendation is passed by a decisive  
9 vote, then we need to stay engaged, carry the NOSB  
10 record forward, and be active in each step of the  
11 rulemaking process. And we need to be provided  
12 with that opportunity. We need to insist that USDA  
13 regularly update stakeholders with the status,  
14 decision criteria and current positions on NOSB,  
15 recommendation and advance rulemaking in a  
16 transparent and fair process. Thank you.

17 CHAIR POWELL-PALM: Thank you very  
18 much for your work and your comments today, Gwen.

19 Any questions from the board?

20 I appreciate how elevated the  
21 discussion of organic seeds is becoming. I think

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1       there's a lot of opportunity for organic farmers  
2       as we talk about markets.  If organic growers are  
3       being given the chance to grow organic seed, that's  
4       also something that we realize as revenue retained  
5       for the organic community.  And I think that's  
6       something that's just one of the many benefits as  
7       we dive deeper into this.  As always, appreciate  
8       you, Gwen, and we will keep going.

9                   All right.  Thank you.  Next up is  
10       Johanna Mirenda, followed by Cynthia Smith and then  
11       Guigui Wan.

12                   MS. MIRENDA:  Hey, good afternoon.  
13       I'm Johanna Mirenda, Foreign Policy Director for  
14       the Organic Trade Association, OTA.  The Board is  
15       working on 2024 Sunset Review, as background for  
16       new board members.  We create electronic surveys  
17       each year to help facilitate a thorough comment  
18       and review process.       (Audio interference)  
19       available to every NOP certificate holder and  
20       measure the necessity of each material under  
21       review.  We ask about alternative to the material,

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1 impact with the material or to be prohibited and  
2 the rating of the overall necessity from 1 to 5,  
3 with 5 being critical, would leave organic without  
4 it. Our comments include survey responses we  
5 received up to the comment deadline and a bunch  
6 more of comments that will continue to get the word  
7 out on these materials, collect responses  
8 throughout the spring and summer and provide  
9 updated data to you through the open docket in the  
10 fall, so stay tuned.

11 On highly soluble nitrogen fertilizer,  
12 OTA does not support the crops subcommittee's  
13 proposal. Many of the concerns that we identified  
14 in our fall 2021 comments remain unresolved. And  
15 we're concerned that the proposal overburden these  
16 farmers without meaningful benefit. The  
17 proposal, to my understanding, would only be  
18 effective to restrict 1 and any other yet to be  
19 known novel nitrogen sources that might have  
20 similar compatibility issues as ammonia extract  
21 and sodium nitrate, which we already dealt with

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1 last fall.

2 Yes, every farm would be implicated and  
3 responsible for demonstrating compliance. This  
4 approach does not address what we see as a major  
5 underlying issue, which is to find the solution  
6 for proactively identifying incompatible natural  
7 substances and getting them in front of the board  
8 for review instead of waiting for individual  
9 petitions after commercial proliferation of those  
10 products. In fact, the proposal would circumvent  
11 the NOSB review of novel substances and give them  
12 an automatic 20 percent allowance. So we still  
13 need a proactive solution. We shared some ideas  
14 last fall and we'll be happy to continue exploring  
15 these options like improving the feedback loop  
16 between the certifiers, material reviewers and NOP  
17 when a material is flagged for a compatibility  
18 concern and bringing MROs under NOP accreditation  
19 to improve oversight of input approvals.

20 NOSB decisively passed recommendation  
21 last fall to prohibit stripped ammonia and

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1 concentrated ammonia. And we still support those  
2 NOSB recommendations as we stated in our comments  
3 last fall. In the fifth year of transparency and  
4 accountability, we respectfully request that USDA  
5 advances those recommendations through the rule  
6 making process without delay taking the next step  
7 to a proposed rule and comment period will allow  
8 further analysis, the opportunity for the public  
9 to lay in and answer questions and provide  
10 information to USDA.

11 And as my colleague, Gwendolyn, just  
12 mentioned, USDA need to provide this opportunity  
13 to carry forward decisive NOSB recommendations in  
14 a transparent and fair process and we as  
15 stakeholders then ready to continue engaging in  
16 the process at each step.

17 CHAIR POWELL-PALM: Stunning timing,  
18 excellent work. I think we have question from  
19 Brian for you.

20 MEMBER CALDWELL: Thanks, Johanna. I  
21 was struck by your comment, your written comment

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1       that the high nitrogen materials would require a  
2       whole bunch of extra paperwork and review from  
3       every farm for every crop probably, you know.  But  
4       I don't understand why that would be if there's  
5       a very limited number of materials, you mentioned,  
6       I think, two, either one or two that fall under  
7       this.  And what if a farmer just check a box saying  
8       no, I don't use any of these, and then it eliminates  
9       all of that works.  So, I just would like to hear  
10      how you folks are thinking that this would play  
11      out because I --

12                   CHAIR POWELL-PALM:  Oh, Brian, you're  
13      on mute.

14                   MEMBER CALDWELL:  Did you catch the end  
15      of what I had --

16                   MS. MIRENDA:  I think so.  Just how to  
17      respond to the documentation requirements for  
18      producers given that the proposal only addresses  
19      a narrow scope of material?

20                   MEMBER CALDWELL:  Yes.  And, again,  
21      that it seems like, you know, the farmer can just

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1 check a box saying, yes, I don't use these things  
2 and then move on.

3 MS. MIRENDA: If it were that simple,  
4 it could certainly minimize the documentation  
5 burden. However, given that the regulatory  
6 language is specific to the crop, to carbon to  
7 nitrogen ratio. And that data is not readily  
8 accessible to producers. There will have to be  
9 a process for every farmer to go through, an  
10 analysis of their own organic system plan and make  
11 a determination of whether or not they should have  
12 check that box or not.

13 But having readily available  
14 information to producers is the first step. And  
15 then given the narrow scope of material that this  
16 proposal would impact, you know, we want to see  
17 the recommendations from last fall to prohibit  
18 ammonia extract move forward. That would be a  
19 prohibition. So, excluded from being impacted by  
20 this 20 percent regulation.

21 Also given the sodium nitrate

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1 recommendation from last fall, which would address  
2 the 20 percent on sodium nitrate, it's still a very  
3 limited number of materials, in fact only one is  
4 identified in the proposal as being impacted,  
5 guano. Therefore, the bang for the buck that this  
6 proposal would deliver is very minimal and still  
7 doesn't address what we want to see in terms of  
8 proactive flagging of incompatible materials and  
9 getting them in front of the board. So, we weigh  
10 the pros and cons of this proposal and still feel  
11 that there is unmet need to identify potentially  
12 incompatible non-synthetic materials and get them  
13 in front of your review. And there's no assumption  
14 that we want to make that any potential  
15 non-synthetic should get that 20 percent because  
16 we saw with ammonia extract that a full prohibition  
17 is what the board determined was appropriate.

18 MEMBER CALDWELL: Yes, good. Thanks.

19 But if we just take it one step further, I mean,  
20 the magnitude review organizations need to  
21 basically approve any substance that we're using

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1 as a fertilizer anyways. So, why couldn't they  
2 just be the kind of the clearinghouse of making  
3 the determination as to whether a particular  
4 substance had a C to N ratio of less than 3:1?  
5 And, again, you know, if I'm not using any of those,  
6 I just check the box and move on. It seems like  
7 with a little bit of effort, we can figure out a  
8 system that will address this, you know, burdensome  
9 paperwork issue.

10 MS. MIRENDA: Yes, I think in order for  
11 this proposal to be effective to what they buy-in  
12 from material reviewers in order to communicate  
13 the carbon to nitrogen ratio for operators to  
14 readily demonstrate compliance. Even so, we're  
15 left without a proactive way to flag potential  
16 novel, non-synthetics that have compatibility  
17 concerns to get this in front of this board for  
18 review.

19 So, say this passes, then what? How  
20 will we prevent the learning moment from last fall  
21 where the board was voting to prohibit material

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1 impacted by the concentrated ammonia position that  
2 had been only listed for 10 years? The problem  
3 that will not be solved by the proposal.

4 MEMBER CALDWELL: Thank you very much.

5 CHAIR POWELL-PALM: Any other  
6 questions for Jo? I have a question, Jo, that I  
7 meant to ask Gwen as well. So, I'm going to put  
8 it all on you to answer.

9 You live and breathe organic every day.

10 What are we missing about getting our markets to  
11 be the norm, that 50 percent or we really have  
12 everyday organic products available across the  
13 board? And organics isn't niche at all. What do  
14 we do? What are our barriers and how do we overcome  
15 them?

16 MS. MIRENDA: Man, you're not going to  
17 ask me a question about the National List.

18 CHAIR POWELL-PALM: I might get to  
19 that, but.

20 MS. MIRENDA: It looks like this and  
21 say, we need organic specific technical assistance

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1 for every acquiring organic farmer everywhere,  
2 especially underserved communities,  
3 geographically isolated communities, we need  
4 Federal policy for crop insurance to not just  
5 incentivize organic producers and transiting  
6 producers. We need concentration programs to  
7 acknowledge and reward organic producers for  
8 practices they are employing. A lot of the answers  
9 fall outside of this board, which makes it even  
10 more of a herculean effort beyond what we have here.

11 So, I really encourage the direction the board  
12 is going with looking at work agenda topics beyond  
13 the National List because we need big solutions  
14 beyond the organic regulations themselves to  
15 really breakthrough.

16 CHAIR POWELL-PALM: Appreciate that.

17 Okay. Now, a little bit of National List talk.

18 Could you give me an example of a prohibited  
19 natural that is not, say, arsenic, something that's  
20 been dealt with before that would sort of put into  
21 context where ammonia extracts would land?

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1                   MS. MIRENDA: Well, I think the only  
2 update to the prohibited naturals list since it  
3 was first developed and the original National List  
4 was rotenone. I think that's been the one update.

5           But what I have been looking to as an example for  
6 this scenario with ammonia extract is natamycin  
7 because it's not totally prohibited, but it was  
8 a non-synthetic that was started with a petition,  
9 resulted in an NOSB recommendation to prohibit.

10          Went through the rulemaking process even though  
11 it was really messy, but that act of advancing the  
12 NOSB recommendation to the proposed rule, getting  
13 that opportunity to take broader stakeholder  
14 comment, engaging with other federal agencies as  
15 appropriate and required by OFPA and then the USDA  
16 explaining their rationale in the Federal Register  
17 in their final decision. That's what we need to  
18 make regular everyday practice for NOSB  
19 recommendations, period. That's the USDA keeping  
20 up their end of the public-private partnership.  
21          So natamycin is an example of that model of

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1       advancing it, even if its messy, you've got to,  
2       you owe it to stakeholders and this partnership  
3       we've created to keep it moving.

4                   CHAIR POWELL-PALM:     Thank you very  
5       much for that.   Yes, I think that's to honor at  
6       this time everyone's putting into this process.  
7       I think there's a lot of debate for that.

8                   MS. MIRENDA:   Yes, and what we do not  
9       want is NOP making decisions or pre-committing to  
10      not following through with rulemaking without that  
11      public and transparent process.

12                  CHAIR POWELL-PALM:   Thank you.   And  
13      thank you for your comments today.   Next up, we  
14      have Cynthia Smith followed by Guigui Wan and then  
15      Amber Sciligo.   All right.   Floor is yours,  
16      Cynthia.

17                  MS. SMITH:   Okay.   Thank you.   My name  
18      is Cynthia Smith.   I'm a partner with Conn & Smith  
19      Incorporated, which is a pesticide registration  
20      consulting firm.   I'm here representing Ingevity  
21      Corporation.   And I'm here to speak in support of

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1       distilled tall oil.

2               Next slide, please. FIFRA is the act  
3       that regulates pesticides. It clearly defines  
4       active ingredient and inert ingredient. The  
5       definition for inert ingredient is very simple.  
6       It's the ingredients that are not active  
7       ingredients.

8               Next slide, please. EPA issues  
9       tolerance exemptions for both active ingredients  
10      and inert ingredients. In 2004, which was the last  
11      year that EPA issued a list for the inert  
12      ingredients, distilled tall oil was on the list  
13      of three. And that was because at that time it  
14      was considered to not have a complete toxicological  
15      database. However, in 2017, EPA did issue the  
16      tolerance exemption for distilled tall oil. And  
17      that tolerance exemption one demonstrates that  
18      distilled tall oil has a complete toxicological  
19      database. And two, that it has a complete EPA  
20      safety assessment. And three, that that safety  
21      assessment shows that it does meet EPA's current

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1 high safety standards. If EPA were updating the  
2 list at this point, then it would be on list 4B.

3 And we do know that Canada, unlike the United  
4 States, does update its list periodically and  
5 distilled tall oil is on Canada's list 4B and it  
6 is organic in Canada.

7 Next slide, please. This slide show  
8 the contents of the register notice, having to do  
9 with distilled tall oil. The thing that's  
10 important here is that distilled tall oil is  
11 allowed for used sample of crops and animals. And  
12 in both cases, the clearance is for an inert  
13 ingredient.

14 Next slide, please. The Organic Food  
15 Production Act regulates the use of synthetic  
16 substances in organic agriculture. It  
17 establishes the criteria under which synthetic  
18 substances can be used. It does not differentiate  
19 between synthetic pesticides, active ingredients  
20 and synthetic inert ingredients. The same  
21 criteria apply to both active and inert

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1 ingredients, the same methodology applies.  
2 There's no new science that is needed to evaluate  
3 the distilled tall oil petition.

4 Next slide, please. The petition for  
5 distilled tall oil has already been pending for  
6 20 months. That petition goes into great detail  
7 about how distilled tall oil meets all the criteria  
8 of the Organic Food Production Act. We've also  
9 submitted additional documentation to address the  
10 errors in the technical report. Right now it's  
11 delayed. Okay. Thank you.

12 CHAIR POWELL-PALM: Thank you for your  
13 comments. Appreciate them. Any questions from  
14 the board? Wood has a question.

15 MEMBER TURNER: It's actually a  
16 question for you, Nate, or Michelle. Michelle,  
17 would these summary slides be available after this  
18 session?

19 MS. ARSENAULT: I can send them to you  
20 and they will be posted in the docket with the  
21 comments.

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1 MEMBER TURNER: Thank you.

2 MS. ARSENAULT: You're welcome.

3 CHAIR POWELL-PALM: Brian, go ahead.

4 MEMBER CALDWELL: Yes, thanks,  
5 Cynthia. You mentioned in the beginning that  
6 basically materials, either an active ingredient  
7 or inert. But I thought that tall oil could be  
8 both, either an active ingredient or an inert  
9 ingredient depending on how it was used.

10 MS. SMITH: That's a false statement  
11 that came about from the original technical report  
12 and then was reported again in the second technical  
13 report. So, it's very clear, distilled tall oil  
14 is exclusively an inert ingredient. And the next  
15 speaker, Guigui Wan, will get into some of those  
16 details.

17 MEMBER CALDWELL: Okay, great. Thank  
18 you.

19 MS. SMITH: And if I can speak very  
20 briefly to Nate's question, if you'll allow me,  
21 in a minute.

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1 CHAIR POWELL-PALM: Oh, sure. Which  
2 question was it?

3 MS. SMITH: About how do we grow from  
4 5 percent to 50 percent?

5 CHAIR POWELL-PALM: Please.

6 MS. SMITH: Yes, the inert ingredients  
7 make the active ingredients work better. And if  
8 you can think about your house, if the value of  
9 your house was frozen in time at 2004, you know,  
10 your house is worth well more than what it was worth  
11 in 2004. That's where we are in the development  
12 of products for use in organic agriculture. We're  
13 stuck back in 2004. If you look at the many  
14 comments submitted in support of the distilled tall  
15 oil, you will see that there is a strong need for  
16 additional inert ingredients to make your current  
17 products work better. If you have better working  
18 products, you'll have more organic growers.

19 CHAIR POWELL-PALM: Appreciate that.  
20 We have a question from Logan.

21 MEMBER PETREY: Yes. I threw my hand

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1 up. That was interesting thing that you say, so,  
2 yes, a lot of people have discussed the concern  
3 of adding inputs to the National List because of  
4 getting away from the nature of organics and from  
5 OFPA. But I think that we do need to consider,  
6 there can be an innovative new inputs that come  
7 on and they could be better than what is currently  
8 on the list. And would you agree that we need to  
9 focus more on the OSP, which actually, you know,  
10 is in the OFPA to say that each farm or each organic  
11 producer must follow the OSP and that is overlooked  
12 by the certifier to make sure that they are  
13 following those standards? Would you agree that  
14 that actually is probably should be looked at more  
15 or just to make sure that, you know, producers are  
16 following that instead of limiting inputs that come  
17 onto the list.

18 MEMBER SMITH: Yes. Can you define  
19 OSP for me?

20 MEMBER PETREY: The Organic System  
21 Plan?

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1                   MEMBER SMITH:   Okay.

2                   MEMBER PETREY:    So, as an organic  
3 farmer, I have to list everything that, you know,  
4 that we're doing and including crop rotations and  
5 cover crops, things like that to make sure that  
6 our certifiers agrees that we are acting within  
7 OFPA.

8                   MEMBER SMITH:   Well, I would say that,  
9 again, there is a profound need for additional  
10 inert ingredients for formulation of products for  
11 the organic agriculture.  And we've made the point  
12 in the petition that we have satisfied all of the  
13 requirements.  Nonetheless, let's say the hurdle  
14 to get there is very high.  So, I think it would  
15 be beneficial for the board as a whole to evaluate  
16 what can the board do to facilitate the  
17 availability of additional organic products that  
18 simply work better?

19                  CHAIR POWELL-PALM:  I think Wood has  
20 another question.

21                  MEMBER TURNER:   Nate, I just have a

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1 comment, to be clear, and I don't want to get into  
2 a debate about this, but to be clear, the hurdle  
3 should be high for materials that are being  
4 petitioned for use. So, I just want to say, in  
5 comment to this statement you just made about the  
6 high hurdle. It should be a high hurdle and that  
7 the process is playing out the way that it's  
8 designed to play out. And so I just want to make  
9 that comment.

10 CHAIR POWELL-PALM: Appreciate that.

11 And thank you for your comments today, Cynthia.

12 MEMBER SMITH: Thank you.

13 CHAIR POWELL-PALM: Going forward, we  
14 have Guigui Wan followed by Amber Sciligo and then  
15 Angela Schriver. Guigui, the floor is yours.

16 MS. WAN: Thank you, Nate. Can you  
17 hear me good?

18 CHAIR POWELL-PALM: We can.

19 MS. WAN: Okay. Thank you. Good  
20 afternoon. My name is Guigui Wan. I work for  
21 Ingevity as the Technical Product Lead. And today

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1 I'm speaking here to support the Distilled Tall  
2 petition.

3 Next one, please. So, although if you  
4 place a bottle of soybean oil next to a DTO, I mean,  
5 both have amber and oily appearance. So, they look  
6 quite similar, but actually they're very different  
7 materials. So, historically, I mean, DTO is often  
8 mistaken to be an oil because the word oil in the  
9 name. But as a matter of fact, DTO is not an oil  
10 by the structure or the function. DTO is primarily  
11 composed by natural occurring fatty acids and rosin  
12 acids while soybean oil and other vegetable oils  
13 are triglyceride acids.

14 Next one, please. So, oils as example,  
15 soybean oil are commonly used as insecticide  
16 because of its low surface tension. So, meaning  
17 they can spread evenly and easily insect and  
18 suffocate the insects. But oppositely DTO has  
19 much higher surface tension and are very comparable  
20 to the surface tension of water. So, imagine a  
21 drop of water on leaf surface. It doesn't spread,

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1 it balls up. It's just really above water. This  
2 is what happens if you spray a DTO on leaf surface.

3 So, fundamentally DTO cannot function as  
4 insecticide. In addition, the recommended use  
5 rate for DTO is much lower than soybean oil or other  
6 oils used as insecticide. At such low use rate,  
7 DTO can only function as inert.

8 Next one, please. So, just like olive  
9 oil and neem oil, all the components in DTO are  
10 naturally derived. I mean, the difference is DTO  
11 comes from pine trees. DTO is not a pure  
12 substance. It is a UVCB, meaning it is created  
13 from biological materials naturally occurring in  
14 the environment. And it is already proven to be  
15 very safe to humans, environment in various  
16 applications. We repurposed DTO following the  
17 sustainable processes and only very slight  
18 modifications to ensure that it can be reused and  
19 can bring benefits to the overall health of  
20 ecology. If DTO was not used properly, it will  
21 be burned or put into landfill. DTO is already

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1 used in conventional crop protection and it  
2 demonstrates many application benefits, stated  
3 clearly in our petition.

4 Next one, please. So, in summary, DTO  
5 is extremely valuable natural origin biological  
6 material. It is generated from material,  
7 otherwise will be incinerated or landfilled. It  
8 is very safe to human environment and bring many  
9 sustainability benefits and support the overall  
10 health of the ecological systems. And thank you  
11 so much for the attention today.

12 CHAIR POWELL-PALM: Thank you very  
13 much for your comments and joining us. Any  
14 questions from the board? Not seeing any, we will  
15 continue on. Thank you, again, Guigui.  
16 Appreciate your time. We have Amber Sciligo next  
17 followed by Angela Schriver and our last speaker  
18 today is going to be Leslie Touzeau.

19 MS. SCILIGO: Great. Thanks. Nate,  
20 can you hear me?

21 CHAIR POWELL-PALM: We can. Thank

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1       you. Go ahead.

2                   MS. SCILIGO:     Okay, great.     Hi,  
3       everyone. My name is Amber Sciligo. And I am the  
4       Director of Science Programs for the Organic  
5       Center. We are a nonprofit organization that  
6       communicates research on organic and we also  
7       collaborate with academic and governmental  
8       institutions to help fill gaps in a scientific  
9       knowledge. I want to first say thank you to the  
10      materials subcommittee for all its hard work and  
11      continuous consideration of organic research  
12      needs. And while we support and appreciate the  
13      large diversity of priorities that are currently  
14      presented today, I would like to ask the  
15      subcommittee to please also include the following  
16      briefly summarized research priorities.

17                   First up, I have cultural and social  
18      barriers to organic adoption. We know that  
19      production challenges, yields and other economic  
20      barriers to transition are significant. And there  
21      are also lesser defined cultural and social

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1 barriers that can prevent some farmers from using  
2 organic practices and/or pursuing organic  
3 certification, even when they have already adopted  
4 organic practices. We need more research to  
5 identify these barriers so that they can be  
6 addressed and overcome. And we recommend that  
7 priorities is specifically placed on assessing the  
8 potential societal benefits and/or drawbacks of  
9 organic certification for farmers, their  
10 communities and existing consumers and the  
11 assessment of current limiting factors to the  
12 appeal and adoption of organic certification.

13 Next is assessing impacts of  
14 inadvertent chemical contamination across the  
15 supply chain. We do applaud the NOSB for including  
16 the topic of prevention of GMO crop contamination,  
17 but the issue of contamination is not unique to  
18 genetically modified material. And we request  
19 that chemical contamination be included as well.

20 Next is the comparison of pesticides  
21 and antibiotic residues in organic and non-organic

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1 products. We do need more research on the impacts  
2 of organic on exposure to residues and the  
3 connections between these exposures to help  
4 outcomes. And residue comparisons may be  
5 especially important for popular imported products  
6 that are grown in countries that currently use  
7 pesticides that have previously been banned in the  
8 U.S. or may have less stringent rules for pesticide  
9 application and monitoring.

10 Next is quantifying nutritional values  
11 of organic animal products such as dairy, meat and  
12 eggs. We were pleased to see the inclusion of  
13 factors impacting organic crop nutrition.  
14 However, the discussion focuses on fruit and  
15 vegetables, and we encourage the committee to  
16 include animal products as well.

17 Next is measuring impacts of organic  
18 crop production on water quality, specifically  
19 related to pesticide residues in water and how  
20 organic can keep pesticides out of waterways. And  
21 finally, we have assessing benefits and risks of

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1 livestock integration into crop rotations. There  
2 are well-known benefits of animal crop integration  
3 and where research is needed to examine the impacts  
4 of the use of livestock for cover crop grazing,  
5 especially on ecosystem health and food safety.

6 CHAIR POWELL-PALM: All right. Thank  
7 you. Appreciate your comments today. And  
8 appreciate all the work the Organic Center does.  
9 Do we have any questions for Amber from the board?  
10 You must have covered it all, so appreciate it.

11 MS. SCILIGO: Thank you.

12 CHAIR POWELL-PALM: All right. Thank  
13 you for your time. Moving on, we're going to have  
14 Angela Schriver and then Leslie Touzeau as our last  
15 speaker today. So Angela, the floor is yours.

16 MS. ARSENAULT: Angela, I see you're  
17 just on the phone. If you don't have a mute button  
18 on your phone, you can type star six. Oh, there  
19 you go. I think you're unmuted now.

20 MS. SCHRIVER: Can you hear me now?

21 CHAIR POWELL-PALM: We can.

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1 MS. SCHRIVER: You can hear me. Oh,  
2 thank you. All right. I'm Angela Schriver from  
3 Schriver Organics. We are members of OEFFA and  
4 OEFFA Grain Growers Chapter. On highly soluble  
5 nitrogen fertilizers, we are proponents of  
6 limiting HSN, fertilizers, carbon to nitrogen  
7 ratios to three to one with a 20 percent input  
8 limit. This limit will ensure the focus is still  
9 on soil health management and will prevent reliance  
10 on these inputs. And there's effort to maintain  
11 and improve the soil's fertility. These types of  
12 fertilizers will become unnecessary and becoming  
13 unnecessary should be the goal. And this will  
14 easily be apparent when looking at the organic  
15 management practices of a farm. We want to be sure  
16 that the NOP is not inadvertently encouraging a  
17 system that mimics a conventional ag system.

18 On the organic link system, we support  
19 the creation of an organic link system, a  
20 centralized database that would allow for real time  
21 traceability of transactions, import certificates

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1 and transaction certificates as a tool for fraud  
2 prevention. And as we've heard, the current tools  
3 for fraud prevention are not 100 percent reliable.

4 As a farmer that is participating in a voluntary  
5 set of standards, it is important to create a level  
6 playing field for all potential participants.  
7 Additionally, I don't foresee any extreme burdens  
8 for farmers as it's just an electronic version of  
9 information that we are currently providing on  
10 paper now. An organic link system seems to be a  
11 logical extension of the strengthening organic  
12 enforcement proposal rule, which is intended to  
13 protect the integrity in the organic supply chain,  
14 which we're still eagerly awaiting the publishing  
15 of.

16 And timing of meetings, not only do I  
17 appreciate the opportunity to voice my thoughts  
18 and concerns on organic agriculture with the NOSB,  
19 I genuinely enjoy hearing the thoughts and concerns  
20 of others in my organic community. It is the  
21 knowledge of others that leads to my deepening,

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1 understanding and appreciation of organic  
2 agriculture as a farmer and as a consumer. I  
3 encourage rotating the timing of the meetings in  
4 order to hear from a wide variety of producers.

5 General comment. Previously I  
6 commented on my concern with Harold Austin's  
7 remarks made about supplying consumers with an  
8 organic version of conventionally produced  
9 products in order to compete with the conventional  
10 market. Today, he again used the term compete.

11 I'm unsure of why an organic farm would feel  
12 competition with a conventional farm. I would  
13 guess it is based on consumer interpretation or  
14 expectation. Based on that presumption, I would  
15 suggest prioritizing consumer education instead  
16 of wandering down the organic standards. I would  
17 also pinpoint consumer education as the key to  
18 organic agriculture's growth. I know the more  
19 educated I am on organic agriculture, the more  
20 adamant I am on consuming and growing organics.

21 Thank you for your time.

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1 CHAIR POWELL-PALM: Thank you so much,  
2 Angela. Do we have any questions for Angela?

3 I have one. Angela, when you think  
4 about your crop rotation, you mentioned that one  
5 of the goals is to try to have more and more  
6 nutrients cycled on the farm and fewer inputs.  
7 Did I get that right?

8 MS. SCHRIVER: Correct.

9 CHAIR POWELL-PALM: Okay. And so when  
10 you're thinking about your crop rotation, do you  
11 think about that you need to get the most valuable  
12 cash crop off every field every year or do you think  
13 of it as it's some years you're feeding the soil,  
14 some years the soil's feeding you? And so it won't  
15 always be the highest value crop off every year,  
16 but this give and take to keep the soil whole?

17 MS. SCHRIVER: That is absolutely  
18 correct. And I would add, if I were trying to  
19 obtain the largest cash crop on every field every  
20 year, that would not be sustainable in the  
21 long-term. Would it give me a bump in income for

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1 a year? Possibly 2 years, yes, but would I be able  
2 to continue as organic agriculture long-term  
3 without considering everything else, the soil  
4 health, the fertility, having those off years where  
5 I'm just planning a cover crop to regenerate the  
6 soils, et cetera. You know, my goal is long-term.

7 CHAIR POWELL-PALM: Appreciate that.

8 Would you mind, just anecdotally, would you tell  
9 us what your crop rotation is?

10 MS. SCHRIVER: Yes. So, we live in  
11 North Central Ohio, so we have had a lot of rain  
12 for the last couple of years. But generally  
13 speaking we've been doing corn, soybeans,  
14 sunflowers and then a year, our plan is to do a  
15 year of cover crops in that field. So, it has an  
16 entire year, and that could be a summer planting  
17 of cover crops and then terminating that and doing  
18 a winter planting of cover crops that'll make it  
19 through the winter. So, we're set up for corn the  
20 following year. That being said, whenever we can  
21 squeeze in a small grain, weather allowing, that

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1 is also our goal. And we are always looking for  
2 more crops to add to the rotation as well because  
3 we know, that's just keeping our soil healthy,  
4 upping that fertility so that we can stay in  
5 agriculture long-term.

6 CHAIR POWELL-PALM: Thank you. I  
7 know Amy has a question for you as well.

8 MEMBER BRUCH: Yes, I do. Thanks,  
9 Nate. Thank you, Angela. I really appreciate  
10 your time. I know as a farmer, you're extremely  
11 busy this time of year. So, your contributions  
12 today are really important. I appreciate the  
13 comments on the highly soluble nitrogen. I wanted  
14 to ask you a little bit more on, just one of our  
15 topics for the CACS committee and you briefly  
16 talked about the organic link system. I believe  
17 you said you're affiliated with OEFFA, sorry about  
18 that, but, yes, OEFFA, sorry about that. Lots of  
19 acronyms that were thrown around today, but anyway.

20 MS. SCHRIVER: I know.

21 MEMBER BRUCH: I wanted to ask you, I

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1 know that crops are present on your certificate  
2 as well as the products that you produce. How many  
3 of your buyers are interested in having this  
4 information? Are there several that have been  
5 asking you for, you know, just verification on  
6 your, the crops that you grow and acres that you  
7 have?

8 MS. SCHRIVER: Unfortunately, no, and  
9 I emphasize the word unfortunate as in sometimes  
10 even I question why they wouldn't be more  
11 concerned. I feel that, you know, we sell our  
12 crops to typically the companies buying it. As  
13 long as they have their boxes checked, they're  
14 doing the right thing, which is just the organic  
15 certificate, the bill of lading, the clean  
16 transport certificate, they file that and they  
17 forget about it. And there have been times where  
18 I have definitely thought, you would think they  
19 would be more concerned, but I also know some of  
20 these buyers are also buying, grains been imported,  
21 and it's substantially cheaper. And they should

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1 probably question whether or not it's legitimately  
2 organic, but again, they don't. They check their  
3 boxes, so they won't get into trouble and they move  
4 on.

5 CHAIR POWELL-PALM: One quick  
6 follow-up question to that. Angela, you are  
7 certified by OEFFA, correct?

8 MS. SCHRIVER: Correct.

9 CHAIR POWELL-PALM: Okay. And OEFFA  
10 is one of those certifiers who does put the acres  
11 by crops on the certificate, is that correct?

12 MS. SCHRIVER: Yes.

13 CHAIR POWELL-PALM: Okay. And do you  
14 feel like there's any concern or do you feel like  
15 that works for you in your system to have that  
16 information disclosed to anyone who gets your  
17 certificate?

18 MS. SCHRIVER: I don't feel like I'm  
19 hiding the amount of acres I grow in anything.  
20 I'm more than happy to provide it. I would be more  
21 than happy to provide my yield results as well.

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1       None of that information do I feel like I would  
2       need to hide from my neighbor or hide from my  
3       husband or hide from the buyer of my products.  
4       I think that is information that should be readily  
5       available to whomever deems it necessary or would,  
6       you know, even be curious to check.

7                   CHAIR POWELL-PALM: Really appreciate  
8       your insights there. And I just want to echo what  
9       Amy said. I know it is an inconvenient time to  
10      comment, but I so appreciate every farmer and  
11      everyone, but especially those farmers who should  
12      be in the fields, taking the time to speak with  
13      us today. So thank you.

14                   MS.    SCHRIVER:        We    definitely  
15      appreciate all of the board's time as well. So,  
16      thank you guys as well.

17                   CHAIR POWELL-PALM: Absolutely. All  
18      right, folks, wrapping it up. We are going to end  
19      today hearing from Leslie Touzeau and then we're  
20      going to meet again on Thursday. So, Leslie, the  
21      floor is yours.

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1 MS. TOUZEAU: Wonderful. Can you all  
2 hear me?

3 CHAIR POWELL-PALM: We can.

4 MS. TOUZEAU: Yes. All right. Good  
5 afternoon. My name is Leslie Touzeau and I'm the  
6 Material Review Manager for Quality Certification  
7 Services. Thank you for this opportunity to  
8 provide comments to the board and welcome to new  
9 board members. I hope we all have a chance to  
10 gather in-person in the near future. Please refer  
11 to QCS' written comments for our thoughts on prop  
12 and livestock materials on this meeting's agenda.

13 I would like to spend my time elaborating on our  
14 comments about carbon dioxide and its addition to  
15 the National List at 205601.

16 We were pleased to see at the fall of  
17 2021 NOSB meeting that the board decided to send  
18 the carbon dioxide proposal back to subcommittee  
19 in order to vote on the two proposed uses  
20 independently. However, the current proposal  
21 does not include any additional discussion of the

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1 potential use of supplemental CO2 as a plant  
2 amendment in greenhouses and indoor facilities.

3 The petition is requesting the allowance of  
4 synthetic CO2 to adjust water pH by dissolving  
5 carbon dioxide and water, creating carbonic acid  
6 and allowing that irrigation water to be used on  
7 crops. We understand that acidifying water does  
8 neutralize minerals and hard water and has the  
9 secondary effect of preventing scale and build up  
10 in the irrigation lines. But the heart of the  
11 petition and the proposal document is the use of  
12 carbon dioxide to adjust water pH as a benefit to  
13 the crop by increasing nutrient availability and  
14 plant health.

15 Carbon dioxide used to adjust  
16 irrigation water pH is similar in function to the  
17 listing for sulfurous acid at 205601J11, which is  
18 used to reduce the pH of irrigation water for saline  
19 or alkaline soils. Like sulfurous acid for water  
20 pH adjustment, synthetic carbon dioxide for water  
21 pH adjustment would fit with the listing at 205601J

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1 as a plant or soil amendment. With the listing  
2 at 205601J as a plant or soil amendment, synthetic  
3 carbon dioxide will also be allowed for use as  
4 supplemental CO2 for crops. Currently in some  
5 organic production systems, non-synthetic  
6 supplemental carbon dioxide is pumped into the air  
7 of indoor facilities and green houses to improve  
8 plant growth and fruit production.

9 As we mentioned in our written  
10 comments, QCS supports the addition of carbon  
11 dioxide to the National List for this use, as it  
12 would be an additional tool in our producers'  
13 toolbox. However, this use is different from the  
14 proposed use as a water pH adjuster. And there  
15 is no discussion in the proposal document regarding  
16 supplemental carbon dioxide used to improve  
17 photosynthesis in greenhouses. We understand  
18 that this use is not the subject of the petition,  
19 but without a specific annotation at 205601J,  
20 supplemental CO2 could be considered a plant  
21 amendment and it would be allowed.

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1           It seems that carbon dioxide could be  
2           used in three different ways if recommended for  
3           addition to 205601A and 205601J as an irrigation  
4           cleaner, a water pH adjuster and a supplemental  
5           plant amendment in indoor facilities. Only one  
6           use is discussed in the proposal and evaluated  
7           using off of criteria. QCS believes a thorough  
8           review process of the material is necessary and  
9           we recommend sending the proposal back to  
10          subcommittee to allow for adequate evaluation,  
11          discussion and stakeholder feedback through the  
12          public comment process for all potential uses of  
13          synthetic carbon dioxide.

14                    Thank you.

15                    CHAIR POWELL-PALM: Thank you very  
16                    much for your comments today. Logan has a  
17                    question.

18                    MEMBER PETREY: Hi. Yes, just a quick  
19                    comment. I appreciate the comment, the written  
20                    comment and the oral comment, very clear, and we  
21                    will take that into consideration, great

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1 consideration. Thank you so much.

2 MS. TOUZEAU: Great. Thank you.

3 CHAIR POWELL-PALM: Kyla?

4 MEMBER SMITH: Hi, Leslie. I actually  
5 wanted to ask you about your comments related to  
6 highly soluble nitrogen fertilizers because I'm  
7 trying to sort of, you know, connect the dots  
8 between comments that are saying that it's going  
9 to be overly burdensome for producers and  
10 certifiers and inspectors and comments saying like  
11 just check a box. So, bear with me for just a  
12 minute, Nate. I'm sorry, but --

13 CHAIR POWELL-PALM: Go ahead. Go  
14 ahead.

15 MEMBER SMITH: Okay. As a material  
16 specialist, Leslie, I was like, oh, this is how  
17 I think it would go. A producer puts input on their  
18 inputs list that comes to the certifier, which then  
19 we would need to evaluate first because they,  
20 especially if it's a blended fertilizer, they're  
21 not going to know the ingredients and whether or

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1 not their fertilizer contains guano or whatever  
2 else. And then we do the work, we'll call the  
3 manufacturer, get all like the ingredients to see  
4 the end ratio, all the things. And then we would  
5 probably put a restriction on that material saying  
6 there's a C to N ratio of less than three. You  
7 need to do extra documentation or whatever.

8 So, then they would need to then provide  
9 or, you know, verify and have documentation  
10 available. That's like in the chart, which is,  
11 are in the chart, that's in the proposal. And so  
12 does that sound like the practice that you at QCS  
13 would follow thus far?

14 MS. TOUZEAU: Yes, that sounds about  
15 right. I mean, we currently and I think I've put  
16 this in our written comments, but we currently,  
17 we have like a sodium nitrate worksheet that we  
18 do have producers fill out that kind of takes into  
19 account what crop they're using, you know, either  
20 if it's a single ingredient sodium nitrate product  
21 or if it's a blended product that contains sodium

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1       nitrate, we can determine the percentage of the  
2       product that, and how much nitrogen is being  
3       contributed.     But we have them provide the  
4       information about what crop, you know, what the  
5       nitrogen needs are for that crop.   And then there  
6       are some calculations that we've built into that  
7       spreadsheet.

8                   And so I think that what I've tried to  
9       convey in our written comments is that this is  
10      certainly possible.   It just would require, you  
11      know, a significant more work on our part.   And  
12      that doesn't necessarily mean that it should keep  
13      it from passing.   But we just wanted to make sure  
14      that the board understands.   And also, I think,  
15      you know, when it comes to looking at especially  
16      a blended fertilizer without a list saying, you  
17      know, sodium nitrate and guano are the two, you  
18      know, C to N ratio under three that we need to look  
19      out for.   Without that list, it almost becomes  
20      like, do we need to evaluate every single  
21      ingredient in that fertilizer to determine what

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1 the CN ratio is? Because we don't, you know, we  
2 don't know if it's a blood meal. You know, blood  
3 meal can sometimes be on the edge of that ratio.

4 And so we, you know, so then we end up having to  
5 ask all of this additional information about a  
6 fertilizer that might have, you know, 10, 15  
7 ingredients and so that takes time, that takes the  
8 manufacturer time. It takes time for us to then  
9 get to complete the review and then get back to  
10 the client. So, I mean, there's just going to be  
11 additional work if that proposal is to move  
12 forward.

13 MEMBER SMITH: And then that  
14 additional work could also perhaps be moot sort  
15 of if the producer is using it at a rate where it  
16 --

17 MS. TOUZEAU: That's under 20 percent.

18 MEMBER SMITH: Right. Where it just  
19 like inherently would be under --

20 MS. TOUZEAU: Right. Like if guano is  
21 1 of 20 ingredients, it's, you know, a very small

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1 percentage of the formulation. Then, you know,  
2 they would have to use, you know, hundreds of pounds  
3 of the fertilizer in order to reach that 20 percent  
4 nitrogen need. So, yes, I think that that's the  
5 balance that you all are kind of wrestling with.

6 MEMBER SMITH: Thank you.

7 MS. TOUZEAU: Yes.

8 CHAIR POWELL-PALM: Thank you for  
9 asking that, Kyla. And thank you for your answer,  
10 Leslie. Brian has a question.

11 MEMBER CALDWELL: Yes. Thanks,  
12 Leslie and thanks Kyla for leading this one. But  
13 I'm still struggling with this too, but why  
14 couldn't the material review organizations be  
15 involved in this and basically make that, I mean,  
16 so that everybody didn't have to redo it every time,  
17 make that determination for fertilizing materials?

18 MS. TOUZEAU: You mean like, make the  
19 determination of kind of what qualifies as a --

20 MEMBER CALDWELL: Well, yes, for  
21 instance if there's a blend and it's got something

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1 in it that's, you know, below three to, you know,  
2 a 3.0 C to N ratio, flag it so that the producer  
3 knows and the certifier knows. It just seems so  
4 kind of logical and easy, but maybe I'm missing  
5 something.

6 MS. TOUZEAU: So, you mean like if the  
7 blended fertilizer as a whole has a CN ratio of  
8 3 to 1 or below or individual components?

9 MEMBER CALDWELL: No, no, the  
10 individual component because that's what has to  
11 be evaluated. Right?

12 MS. TOUZEAU: Right. And so, I guess,  
13 I'm saying that, you know, according to the  
14 proposal and the information that you all provided  
15 that right now that looks like mainly sodium  
16 nitrate in guano. But there are some other  
17 materials that I think if the, you know, if the  
18 evaluation is just based on what is the C to N ratio,  
19 there are some materials that might kind of come  
20 close to 3 to 1. And so, because we don't know,  
21 I mean, we certainly know some materials are

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1 definitely not 3 to 1, but without a kind of  
2 definitive list, so to speak, or at least some  
3 consensus amongst the material review  
4 organizations and certifiers, you know, we could  
5 be having to evaluate each ingredient and find out  
6 it's CN ratio for each ingredient because we can't  
7 assume every time that a fish fertilizer or a soy  
8 hydrolysate or a blood meal or a guano, you know,  
9 unless there's a consensus that we assume that all  
10 of those different ingredients are not 3 to 1.

11 If there's not a consensus, then we have  
12 to constantly check to determine if, you know, if  
13 that particular ingredient being used in that  
14 particular fertilizer qualifies as a 3 to 1 ratio.

15 MEMBER CALDWELL: So, well, again,  
16 sorry to belabor this, but the material review  
17 organizations already have to check these  
18 materials, right? They have to do it. So, why  
19 won't this just be part of the evaluation of the  
20 material and that information written right on  
21 their certificate?

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1                   MEMBER SMITH:  Nate, can I comment or  
2                   should I just save this for the board discussion  
3                   because I can answer Brian's question?

4                   CHAIR POWELL-PALM:  Sure.  Go ahead.

5  
6                   MEMBER SMITH:  Not all fertilizers are  
7                   reviewed by material review organizations; not all  
8                   fertilizers are reviewed by AMRI or WSDA.  Lots  
9                   of fertilizers are submitted to certifiers, and  
10                  we do that evaluation for compliance.

11                  MEMBER CALDWELL:  Right.  And a lot of  
12                  other products too, but there's a strong reason  
13                  to use a material review organization.  And with  
14                  NOFA New York, we have to pay, I don't know, \$75  
15                  an hour for it, if our material needs special review  
16                  and, you know, there's reason to do that to use  
17                  the MRO, so let's do it.  I don't know.

18                  MS. TOUZEAU:  And I, just a follow-up,  
19                  you know, there is a kind of an incentive to use  
20                  materials that are, you know, already reviewed by  
21                  AMRI or WSDA.  But that doesn't mean that all

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1 producers do that. Some of them find materials  
2 that are local to them or, you know, so there's  
3 always going to be additional materials that need  
4 to be reviewed by certifiers like us. And so  
5 especially some of these more complex fertilizers  
6 that have mini-ingredients or custom blends or any  
7 of these types of materials, it's just going to  
8 require more work. For us, you know, I work for  
9 QCs, we're not a material review organization per  
10 se. We review materials for our clients.

11 And so it's just me and one other person  
12 doing this work for all of our, you know, 1,000  
13 clients. And so it's something to consider that  
14 it would take, it would kind of put a bit more of  
15 a burden on certifiers. But, again, that's, you  
16 know, that's kind of a needle to thread when  
17 thinking about, you know, the benefits of the  
18 organic integrity of this proposal versus kind of  
19 the extra work, so --

20 CHAIR POWELL-PALM: Really appreciate  
21 that insight. We'll end today with Logan's

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1 question.

2 MEMBER PETREY: Thank you. I'll make  
3 it quick. And so when you talk about the blood  
4 meal and the fish, we've identified on the proposal  
5 that they are less than a 3 to 1 ratio. But are  
6 you saying that there may be some products that  
7 have a CN ratio that are higher 3 to 1 and will  
8 make them subject to the 20 percent and that can  
9 vary between batches or so of product. Do you find  
10 that or do you think that that is potential?

11 MS. TOUZEAU: I haven't been looking  
12 at CN ratios for these types of ingredients. But  
13 I do think reading through some of the public  
14 comments from some of the MROs that there was, I  
15 did see some mention of like, you know, potential  
16 for like a soy hydrolysate product to possibly have  
17 a ratio that's lower than 3 to 1 or, you know, I  
18 know that blood meal and some fish products are  
19 very close to that 3 to 1 cut off. And so there,  
20 you know, it's possible that there are some  
21 instances, depending on production, manufacturing

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1 where they may kind of inch close to that line,  
2 which is why I think, you know, having a list or  
3 at least some consensus among certifiers, whether  
4 that's the best practice of like these are the  
5 starred ingredients. These are the things we want  
6 to look for to determine, you know, these are the  
7 things that we need to definitely check out. These  
8 are the things that we need to see what that C to  
9 N ratio is. And then if it would be subject to  
10 that 20 percent restriction.

11 MEMBER PETREY: Thank you. I  
12 appreciate your time.

13 CHAIR POWELL-PALM: Thank you, Leslie.  
14 I really appreciate you taking on so many  
15 questions right at the end here, and it is  
16 appreciated. So, thank you for your time and  
17 insights today.

18 Well, folks, we're going to do this  
19 again on Thursday. So, that concludes our public  
20 comments webinar for day one of the spring 2022  
21 meeting. Thank you to everyone who provided

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1        comments today. This is what makes our community  
2        great. And we're going to reconvene Thursday,  
3        April 21st at noon Eastern. So, I hope to see  
4        everyone back here and we'll do it all again. All  
5        right. Thank you.

6                                (Whereupon, the above-entitled matter  
7        went off the record at 5:18 p.m.)

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UNITED STATES OF AMERICA  
DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
NATIONAL ORGANIC PROGRAM

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NATIONAL ORGANIC STANDARDS BOARD

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PUBLIC COMMENT WEBINAR

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THURSDAY  
APRIL 21, 2022

+ + + + +

The Board met via Videoconference, at  
12:00 p.m. EDT, Nate Powell-Palm, Chair,  
presiding.

MEMBERS PRESENT

- NATHAN POWELL-PALM, Chair
- AMY BRUCH
- BRIAN CALDWELL
- GERARD D'AMORE
- CAROLYN DIMITRI
- LIZ GRAZNAK
- RICK GREENWOOD
- KIMBERLY HUSEMAN
- MINDEE JEFFERY, Vice Chair
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- KYLA SMITH, Secretary
- WOOD TURNER
- JAVIER ZAMORA

ALSO PRESENT

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MICHELLE ARSENAULT, Advisory Committee  
Specialist, National Organic Program  
JARED CLARK, National List Manager, National  
Organic Program  
DAVID GLASGOW, Associate Deputy  
Administrator, National Organic Program  
ERIN HEALY, Division Director, Standards,  
National Organic Program  
ANDREA HOLM, Materials Specialist, National  
Organic Program  
DEVON PATTILLO, Acting Assistant Director,  
Standards, National Organic Program  
JENNIFER TUCKER, Deputy Administrator, National  
Organic Program; Designated Federal Officer

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1 P-R-O-C-E-E-D-I-N-G-S

2 (12:00 p.m.)

3 MS. ARSENAULT: Welcome everyone to  
4 the National Organic Standards Board, day two of  
5 the public comment webinar. If you're on the phone  
6 with us only, you won't see the slide that's on  
7 the screen, but I'm going to just run through the  
8 slide really quickly. We -- there's phone numbers  
9 on the screen, so if you are having audio issues  
10 and you want to drop off the video and just dial  
11 in on the phone, you're welcome to do that as well.

12 There's several phone numbers to choose from.  
13 We ask that you please do stay on mute. Chat is  
14 enabled and you'll find that in the center of your  
15 Zoom task bar, wherever that is on your screen.

16 And you're welcome to chat with each other, relay  
17 technical information or technical difficulties  
18 to NOP. But chats are not part of the public  
19 record, so you can chat with each other but the  
20 board is not going to be request -- answering  
21 questions. Sorry. And closed captioning is  
22 available in Zoom by clicking the live transcript

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1 button or the CC button, which I can't see -- but  
2 if you -- you can control it on your end so you  
3 can see it or not see it as needed. You can also  
4 change the font size. So if you click on that  
5 button, it'll give you the option to play around  
6 with the settings. And thank you for one of my  
7 co-workers who just requested that I turn on the  
8 live captioning. Please don't use the raised hand  
9 feature, which is under the reactions button at  
10 the -- in your task bar at the bottom of the Zoom  
11 window. All commenters had to register ahead of  
12 time and will be called on in turn by their board  
13 chair.

14 You can customize your own view in Zoom  
15 by going to the upper-right corner, there's a  
16 little Hollywood squares or Brady Bunch, depending  
17 on what generation you're from. The view button,  
18 and you can change what you see on the screen.  
19 We're going to pin my camera, which will be pointed  
20 at the speaker-timer. And we'll highlight the  
21 current speaker on the screen. But you're welcome  
22 to change the view for yourself on your end. If

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1 you're having technical problems, you can contact  
2 Zoom directly by going to support.zoom.us, in the  
3 upper-right hand corner of the screen, there's a  
4 contact us button and you can live chat if you need  
5 to. The webinar is being recorded and we're going  
6 to have a transcript, a written transcript, that  
7 will be available after the meeting concludes next  
8 week and it's usually a couple of weeks after that  
9 until we get the official transcript. And the  
10 transcription is on the call -- transcriptionist  
11 is on the call with us today.

12 For speakers, so Jared, can you move  
13 to the next -- thank you. Much faster. Speakers  
14 make sure that your name is displayed in your video  
15 tile correctly, just so we can locate you and make  
16 sure that your mic is unmuted when it comes time  
17 for you to speak. We do ask that everybody on the  
18 call please stay on mute until you're called on  
19 to comment, and then you can unmute yourself and  
20 turn on your camera if you like. It's optional.

21 You don't have to be on camera. The mic and camera  
22 icons, widgets are on the bottom left of the Zoom

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1 taskbar. If you're on the phone only and your  
2 phone doesn't have a mute button, you can use star  
3 six to mute and unmute yourself, it toggles back  
4 and forth. We can also unmute you from our end  
5 if you're having issues and give you a second to  
6 get unmuted before you start.

7 At the beginning of your comment,  
8 please state your name and affiliation for the  
9 record. That's so the transcriptionist can  
10 capture it and then I'll start the timer when you're  
11 ready to start your comments. Each commenter has  
12 three minutes to speak and we will have the timer.

13 I'm going to switch my camera here so you guys  
14 will see the timer. We'll start the timer and then  
15 there's a beep at the end of the three minutes.

16 So we just ask that you please finish your  
17 sentence. And then the chair will invite NOSB  
18 members to ask questions of you at the end of your  
19 comments, so don't immediately hit your mute button  
20 as soon as you're done your comment. We -- there,  
21 may be follow-up questions. All right. I am  
22 going to turn it over to Jennifer Tucker, the deputy

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1 administrator of the National Organic Program, so  
2 she can officially kick the meeting off. Thank  
3 you, Jenny.

4 MS. TUCKER: All right. Thank you,  
5 Michelle. And thank you for -- to everybody who  
6 is here today. My name is Jennifer Tucker, I'm  
7 the deputy administrator for the National Organic  
8 Program. So first a welcome to all our National  
9 Organic Standards upward members. We are  
10 continuing our fourth online meeting together.  
11 And we continue to be very, very pleased and happy  
12 to have such an engaged audience in this ongoing  
13 forum here. I'd like to particularly welcome  
14 again our new board members; they're four of them,  
15 Liz Graznak from Missouri, Allison Johnson from  
16 California, Dr. Dilip Nandwani from Tennessee, and  
17 Javier Zamora from California. And so they  
18 started their work on the board this spring and  
19 I would like to all of us practice our Zoom applause  
20 skills, so waiving two hands in the camera to thank  
21 them for all the work that they've already done  
22 and will continue to do here. To our public

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1 cementers, again, I do want to thank you for  
2 engaging in this process, and I thank our audience,  
3 you are an important part of this process and we're  
4 glad that you're here to listen in.

5 This webinar continues the series of  
6 virtual webinars that are occurring over multiple  
7 days. We are in our second day this week and there  
8 will be three days next week. Meeting access  
9 information for all meeting segments is posted on  
10 the NOSB meeting page on the USDA website.  
11 Transcripts for all segments will be posted once  
12 completed. And so this meeting, like other  
13 meetings of the National Organic Standards Board  
14 will be run based on the Federal Advisory Committee  
15 Act and the board's policies and procedures manual.

16 I'm going to act as designated federal officer  
17 for meeting segments. And Nate Powell-Palm will  
18 continue to serve as our board chair and will take  
19 the helm for this session once I'm done here.

20 So as I noticed -- noted as I started  
21 the last NOSB meeting and on Tuesday and an open  
22 transparent process mutual respect is critical.

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1       We do ask in advance to avoid personal attacks  
2       in and disparagement. Please engaged with grace.

3       I wanted to append that comment with just a  
4       personal observation. For folks to have given  
5       public comment in the past, you know, it can be  
6       a little intimidating, a little scary to get up  
7       for your three minutes to testify not only to the  
8       board and to the program, but to all your, kind  
9       of, peers. And so that can be -- I admire people  
10      who take that stand for those three minutes,  
11      because for many it can be -- it's a lot going on.

12      So I invite our audience that while we keep the  
13      chat button -- the chat active, there have done  
14      a few times, it's not just this meeting, but  
15      previous meetings where when somebody is speaking,  
16      people start sort of chatting in rebuttals or are  
17      not -- some frankly mean chats while somebody's  
18      giving a testimony. I'm going to ask that you  
19      monitor that. So monitor yourself here. So we  
20      do again, keep the chat open for people to be able  
21      to converse. But when somebody's testifying,  
22      please give them the space and the safety, to be

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1 able to do that in a supportive way. So if you  
2 want to add a comment later on, or something that's  
3 important to you, do that. But just something to  
4 consider as a, sort of, a personal request in  
5 monitoring with the chats. So again, engage with  
6 grace and that's not only verbally, but with each  
7 other in the written form.

8 So I got to close by again, thanking  
9 the National Organic Program team. This is an  
10 amazing team, and I am honored to work with them  
11 every single day. This team is why I show up.  
12 This community is why I show up. That I have now  
13 been with the Organic Program for ten years. I  
14 passed my ten-year anniversary about six months  
15 ago, actually, first as associate and then as  
16 deputy. And it continues to be an honor to listen  
17 to you, to work with you, and to try to support  
18 you the best I can and to support our team the best  
19 I can. So I want to acknowledge Michelle, who I've  
20 now worked with almost ten years. Jared Clark,  
21 Devon Pattillo, Dave Glasgow, and our standards  
22 director, Erin Healy. Andrea Holm is with us and

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1 on there are other NOP staff on the line who are  
2 listening and helping behind the scene. So I'd  
3 like to give them a round of applause as well.  
4 So thank you. I'm going to now hand the mic back  
5 to Michelle who's going to do the roll-call of NOSB  
6 members. So thank you again for being here. We  
7 appreciate your engagement.

8 MS. ARSENAULT: Jenny, my camera's  
9 facing the speaker timer, so I'm just going to be  
10 on audio. Nate Powell-Palm.

11 CHAIR POWELL-PALM: Present.

12 MS. ARSENAULT: And so let me just back  
13 up one second. We're just go do a roll. It's a  
14 way to check everybody's mic and camera and it's  
15 also for the transcriptionist just so you know.  
16 Mindee Jeffery.

17 MEMBER JEFFERY: I'm here.

18 MS. ARSENAULT: Excellent. Welcome.  
19 Kyla Smith.

20 MEMBER SMITH: Hi, everybody.

21 MS. ARSENAULT: Hi there. Amy Bruch.

22 MEMBER BRUCH: Morning, everybody.

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1 MS. ARSENAULT: Good morning. Brian  
2 Caldwell.

3 MEMBER CALDWELL: Hello, everybody.

4 MS. ARSENAULT: Hey, Brian. I knew  
5 you were there. Jerry D'Amore.

6 MEMBER D'AMORE: Yes, and hello.

7 MS. ARSENAULT: Hello again, Jerry.  
8 Carolyn Dimitri.

9 MEMBER DIMITRI: Good afternoon,  
10 everyone.

11 MS. ARSENAULT: Hey, Carolyn. Liz  
12 Graznak, sorry.

13 MEMBER GRAZNAK: That's all right.  
14 Yes, I'm here. Good morning.

15 MS. ARSENAULT: Good morning.  
16 Afternoon. Rick Greenwood.

17 MEMBER GREENWOOD: Yes, I'm here.  
18 Good morning.

19 MS. ARSENAULT: Good morning. Kim  
20 Huseman.

21 MEMBER HUSEMAN: Good morning.

22 MS. ARSENAULT: Hi, Kim. Allison

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1 Johnson.

2 MEMBER JOHNSON: Good rainy morning  
3 from California.

4 MS. ARSENAULT: Always good to hear,  
5 Allison, sorry. Dilip Nandwani.

6 MEMBER NANDWANI: Good morning.

7 MS. ARSENAULT: Good morning,  
8 afternoon, good day. Logan Petrey.

9 MEMBER PETREY: Hi, good afternoon,  
10 everybody.

11 MS. ARSENAULT: Hi, Logan. Wood  
12 Turner.

13 MEMBER TURNER: Here, good morning.

14 MS. ARSENAULT: Good morning. And  
15 Javier Zamora?

16 MEMBER ZAMORA: Here. Buenos dias a  
17 todos.

18 MS. ARSENAULT: Hello, Javier.  
19 Welcome. All right. Nate, I am going to turn it  
20 over to you.

21 CHAIR POWELL-PALM: All right.  
22 Welcome to day 2, everybody. Just a reminder that

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1       there is a policy in the policy and procedures  
2       manual about public comments. Bear with me. So  
3       all speakers who will be recognized, signed up  
4       during the registration period. Persons must give  
5       their names and affiliations for the record at the  
6       beginning of their public comments. Proxy  
7       speakers are not permitted. Individuals  
8       providing public comment shall refrain from making  
9       any personal attacks or remarks that might impugn  
10      the character of any individual. And I just wanted  
11      to give a bit of a shout out that I thought we did  
12      a pretty good job with this on day 1, so thank you,  
13      everybody. Members of the public are asked to  
14      define clearly and succinctly the issue they wish  
15      to present before the Board. This will give the  
16      NOSB members a comprehensive understanding of the  
17      speaker's concerns. I'll call on speakers in the  
18      order of the schedule and we'll announce the next  
19      person or two so they can prepare. Please remember  
20      to state your name and your affiliation, and then  
21      we'll start the timer. Board members will  
22      indicate to me if they have any questions and I'll

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1 call on them. Only NOSB members are allowed to  
2 ask questions. So to get us kicked off, our first  
3 speaker is going to be at Lynn Coody, followed by  
4 George Szczepanski and then DeEtta Bilek. So  
5 Lynn, the floor is yours.

6 MS. COODY: Okay. Nate, do you want  
7 to test the speakers so everybody can hear it?

8 CHAIR POWELL-PALM: Oh, yes. Let's  
9 hear that beautiful chime to know when we're done.  
10 Please, go ahead.

11 MS. ARSENAULT: One moment, Lynn.  
12 Sorry.

13 CHAIR POWELL-PALM: Thank you, Lynn,  
14 for your patience.

15 MS. ARSENAULT: Let me count down just  
16 a few seconds here. Can folks hear that?

17 MS. COODY: Yes.

18 MS. ARSENAULT: All right, Nate.  
19 Okay. All yours, Nate.

20 CHAIR POWELL-PALM: All right. Thank  
21 you, Lynn. Please go ahead.

22 MS. COODY: Okay. Thank you. Good

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1 morning, everyone. My name is Lynn Coody and I'm  
2 presenting comments for the Organic Produce  
3 Wholesalers Coalition, seven businesses that  
4 distribute fresh organic produce across the United  
5 States and internationally. In our comments with  
6 the NOSB, we express our own ideas and provide a  
7 conduit for the voices of the many certified  
8 growers who supply our businesses. I'll address  
9 the risk mitigation table, and highly soluble  
10 nitrogen fertilizers. OPWC views impartiality  
11 provision as the basis for ensuring fairness and  
12 due process for all participants in any oversight  
13 system. We found the NOP's table focused  
14 primarily on conflict of interest issues. But  
15 since impartiality is centrally important to  
16 implementation of oversight systems, we assert  
17 that analysis must address, not just conflict of  
18 interest, but all elements of impartiality  
19 contained in the three main references for the NOP  
20 accreditation program. Topics such as risk of  
21 bias in each of the accreditation process.  
22 Considering pressures arising when an

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1 accreditation body also functions as a standard  
2 setting body, and need for thorough analysis of  
3 risk and residual risk. Responding to the sub  
4 committees questions about elements that may be  
5 missing or need clarification, we focus on  
6 analyzing documentation of the impartiality  
7 provisions of one of the main references  
8 underpinning and NOP's accreditation system, ISO  
9 17011. Our varying comments detail significant  
10 missing elements and topics needing clarification.

11

12 HSN, after careful analysis of the  
13 proposal to regulate these fertilizers using a  
14 standard based on the C to N ratio, we concluded  
15 that the concept is too imprecise for practical  
16 application as an enforcement tool.  
17 Additionally, we found the concept burdensome in  
18 its requirement for calculating contributions of  
19 nitrogen from both materials and practices against  
20 an imprecise estimate of a crop's nitrogen needs.

21 Here's an example of the impacts on organic  
22 produce growers. The starting point for concern

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1 is the need for crop-specific guidelines for  
2 nitrogen requirements. This is a heavy lift for  
3 the produce sector in which small and mid-size  
4 farms are renowned for the wide variety of crops  
5 grown, each of which would require development of  
6 a region-specific guidance about its nitrogen  
7 needs. Yet, using information from the proposal,  
8 we see multiple technical difficulties in  
9 determining the basis for organic systems. First,  
10 the base rate of nitrogen need is expressed as a  
11 range not there's a definite target. Second, the  
12 nitrogen need varies with management practices  
13 such as tillage or inter-cropping. Third, prior  
14 crops increase or decrease the nitrogen need of  
15 the current crop. And fourth, cover crop greatly  
16 impact nitrogen needs yet vary in the amount of  
17 nitrogen they contribute, making their impact very  
18 difficult to quantify without analytical soil  
19 testing. Thank you for the opportunity to comment  
20 on these topics.

21 CHAIR POWELL-PALM: Thank you so much  
22 for your comments. Brian has a question.

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1                   MEMBER CALDWELL:    Thanks, Lynn for  
2                   your very comprehensive written comments.  There  
3                   was a lot in there and I really appreciate that.  
4                   Would you just, kind of, spell out in simplest  
5                   terms possible, just some of the key aspects of  
6                   the risk mitigation, conflict of interest stance  
7                   that you folks are taking.  I hear a lot of big  
8                   words in there and the ISO reference and all that  
9                   stuff.  And I'm trying to boil it down just for  
10                  my small brain here.  So appreciate that.

11

12                  MS. COODY:    Well, Brian, this topic  
13                  here is not to confound anyone, even a genius.  
14                  It's oversight of accreditation is a multi-layered  
15                  topic and it takes a while to get your head around  
16                  it, so don't feel alone.  We have been concerned  
17                  for a long time about the aspect of risk mitigation.

18                  And the new ISO, the ISO has fairly recently been  
19                  updated to also include more of an emphasis on this.

20                  One of the new elements is this idea of having  
21                  a risk mitigation table and also vetting it with  
22                  their stakeholders.  So some of that, there are

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1 -- we've identified multiple risks that were not  
2 included in the risk mitigation table, as I said  
3 in my -- both my written and oral comments. And  
4 there are some significant risks. One of the  
5 concerns -- we also detail this even more if you  
6 could believe this in our comments on regulatory  
7 priorities. One of the risks that we're concerned  
8 about, is the risk of inadequate oversight of the  
9 NOP accreditation system due to conflict between  
10 the peer review provisions in OEFFA and the  
11 regulations. This is a long-standing issue and  
12 I feel -- and we are -- OPWC has discussed that  
13 we feel that we need to get this fixed over -- it  
14 will require a change to OEFFA but we feel like  
15 it's very important.

16 Another issue is that there is no  
17 continuous oversight. And by that I mean, the risk  
18 that the oversight of the NOP Program has -- is  
19 based on this peer reviewed process that is  
20 inadequately matched with OEFFA. Additionally,  
21 it does not require -- it doesn't have a mechanism  
22 for enforcing timely over top, timely completion

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1 of non-compliances. So there are a number of  
2 really serious risks, things that we view as  
3 serious risks that were not included in this table.

4 And what I would recommend is a kind of another  
5 look at this table so that it does take into effect  
6 -- into account all of the three major underpinning  
7 of the NOP's accreditation system. That would be  
8 NOP's own regulation, it's the ISO 17011 and any  
9 other provisions from the general management of  
10 agencies from the USDA. I'm not very familiar with  
11 that part of it, but I'm sure Jenny and others would  
12 be. So like I say, it's complicated and I  
13 appreciate you reading it. I do. I very much  
14 appreciate that.

15 CHAIR POWELL-PALM: Thank you for that  
16 question, Brian. Amy has another question for  
17 you, Lynn.

18 MEMBER BRUCH: Yes. Lynn, thank you  
19 so much for your time here today and all the time  
20 you and your organization put forth such as the  
21 written comments. They were wonderful. I really  
22 also appreciated the handling standards that you

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1 reiterated from last meeting to this meeting,  
2 that's definitely something that put in the  
3 forefront, I appreciate you mentioning that again.

4 My question draw more broad-based, it's in terms  
5 of innovation. So when I went through your  
6 comments, and you can correct me if I'm wrong, I'm  
7 kind of paraphrasing here. In the section on  
8 biodegradable bio-based mulch, you mentioned that  
9 the Board's most recent recommendation for an  
10 annotation change encourages development in that  
11 industry, which I think is a great -- it fosters  
12 innovation. And then as we compare that comment  
13 to the comment made about highly soluble nitrogen,  
14 the comment seems to be a little bit different in  
15 terms of that fostering the innovation approach.

16 You say, well, now -- or, I mean, it wasn't you,  
17 somebody in the organization wrote that, you know,  
18 it provides basically defines the limits of  
19 acceptability for that next generation of  
20 fertilizers. And those are, you know, could be  
21 actually, the tools that help some of the growers  
22 that you were saying, you know, need some

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1 additional assistance maybe on their fertility  
2 program. So I just kind of wanted to understand  
3 the difference frame of reference between those  
4 two products and invasion.

5 MS. COODY: Well, that was a very  
6 perceptive reading of our comments, Amy, and I  
7 congratulate you on that care. I would like to  
8 compare and contrast the amount of times that the  
9 biodegradable mulch -- plastic mulch has gone  
10 through the subcommittee and the NOSB and public  
11 comment. When we are making a -- basically a  
12 really big step forward, I feel like there needs  
13 to be much more consideration -- an iterative  
14 consideration of these concepts. So with the  
15 highly soluble nitrogen concept just coming out  
16 first as a proposal. I didn't feel like that was  
17 -- it was ready to be accepted just with the way  
18 that it was framed, the way that it was based, et  
19 cetera. So although I certainly agree that we need  
20 to take a careful look at especially kind of new  
21 paradigm materials that are likely to come out in  
22 the future, and to review them against our

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1 evaluation criteria, I did not feel that the --  
2 that this particular proposal was ready to go  
3 forward. And I tried to provide as much concrete  
4 information about that, including our proposed  
5 revision of the actual motion, that would be the  
6 basis for its implementation. So at each step  
7 where I was expressing concerns, I believe I was  
8 also trying to provide a way forward for another  
9 way of considering this very important issue in  
10 organics.

11 MEMBER BRUCH: Thank you, Lynn. I  
12 appreciate that.

13 MS. COODY: Thanks, Amy.

14 CHAIR POWELL-PALM: Any other  
15 questions from the Board? I have just a quick more  
16 high-level question on HSN for you, Lynn.

17 MS. COODY: Okay.

18 CHAIR POWELL-PALM: When thinking  
19 about -- I think there's a fundamental  
20 acknowledgment that these highly soluble nitrogens  
21 are powerful, powerful for growing, but also  
22 powerfully impactful for the environment, which

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1 is often why they've been at the forefront of many  
2 of our discussions. Do you think that when we're  
3 looking at growers who want to use them, that it  
4 isn't reasonable to expect them to be taking soil  
5 samples quite often; to be figuring out what do  
6 their soils actually need, what can they hold, what  
7 is the impact of using these materials? As of now,  
8 the material list would be fairly short because  
9 it is more aimed at the future but like you said,  
10 there are a lot of tools that growers have, cover  
11 crops, animal manures, other tools would not fallen  
12 under this proposed increased oversight. So, kind  
13 of, striking that balance of making it not too  
14 burdensome on certifiers since they're going to  
15 be the ones primarily responsible for looking at  
16 these materials, but also making sure that we're  
17 keeping up with both our own expectations, the  
18 spirit of OEFFA, and the consumer expectations that  
19 our fertilizers are not impacting the environment  
20 in a negative way.

21

22 MS. COODY: So I think it's very

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1 important to look carefully at any kind of a new  
2 way of treating organic soil. I do agree that of  
3 course, many growers took many soil samples. But  
4 the problem with the way that the actual motion  
5 is framed for me is that it is dealing with nitrogen  
6 need and it's the basis of it is not the analytical  
7 soil test that you're talking about, like that's  
8 not how you're talking about creating the basis  
9 for comparison for certifiers to verify what the  
10 growers are doing. What the proposal actually  
11 says is it's trying to get a basic, kind of a  
12 regional basis for each individual crop. And then  
13 comparing your crop against that. It's not so much  
14 what's going on on the ground that I see as  
15 problematic, it's the -- it's regional basis for  
16 comparison, it's the baseline that I think will  
17 be difficult in -- for certifiers and growers to  
18 use to -- as an enforcement tool or as a tool for  
19 growers to figure out how much nitrogen they can  
20 apply, especially how much of these highly soluble  
21 nitrogens they can apply. So I'm just concerned  
22 about it being rigorous enough to actually pan out

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1 as an enforcement tool. The way I think it would  
2 pan out in practice is that only the most egregious  
3 cases could be caught with this particular way of  
4 framing the motion or the implementation of it.

5 In fact, most things would be -- most of the  
6 non-compliances would not hold up. And that's  
7 what I'm concerned about. If we're going to have  
8 a standard, I want it to be clear to both growers  
9 and certifiers, and the accreditation system. And  
10 also for compliance. So these are the holes that  
11 I was trying to point out and provide some  
12 suggestions for plugging.

13 CHAIR POWELL-PALM: Which we very much  
14 appreciate. Amy has one more question for you and  
15 then we'll move on.

16 MS. COODY: Okay, Amy.

17 MEMBER BRUCH: All right. Just as a  
18 follow-up to that.

19 MS. COODY: No problem.

20 MEMBER BRUCH: I was just wondering  
21 your perspective on sodium nitrate that has been  
22 around with a very similar practice standard. So

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1 is that -- do you feel like that is clear in its  
2 understanding and regulation from a certified  
3 inspector point of view?

4 MS. COODY: You know I used to feel it  
5 was clear, until this proposal came out. Now,  
6 comparing them, you're correct in saying that  
7 they're similar, but they are not the same. The  
8 sodium nitrate wording talks about total nitrogen  
9 requirement, whereas this proposal talks about  
10 crop needs. And then uses those as the basis for  
11 the 20 percent calculation. So I now am unclear  
12 in my own thinking about whether we're talking  
13 about the amount of nitrogen that is -- let's see.

14 How can I explain this? Whether we're talking  
15 about the nitrogen that is actually applied and  
16 20 percent of that can be a highly soluble nitrogen  
17 product or sodium nitrate, or we're talking about  
18 a comparison to this theoretical basis for nitrogen  
19 need. So from now on, I am not clear about the  
20 sodium nitrate wording anymore because I feel like  
21 we're mixing metaphors here for how we're going  
22 to apply them. And there again it, since you read

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1 my comment carefully, I could tell I had a section  
2 in there about, I'm concerned about stacking now  
3 of sodium nitrate and using the 20 percent  
4 different requirement for sodium nitrate. And  
5 then also allowing it as a highly soluble nitrogen  
6 fertilizer. So no, I'm no longer clear about it.  
7 Sorry.

8 MEMBER BRUCH: Okay. Thank you. And  
9 I appreciate your time.

10 CHAIR POWELL-PALM: Thank you, Lynn,  
11 very much.

12 MS. COODY: Thank you.

13 CHAIR POWELL-PALM: Next up, we're  
14 going to have George Szczepanski, followed by  
15 DeEtta Bilek, and then Thomas Sisson.

16 MR. SZCZEPANSKI: Thank you to the NOP,  
17 NOSB, and stakeholders for giving me the  
18 opportunity to comment today. My name is George  
19 Szczepanski, and I'm speaking on behalf of the  
20 International Fresh Produce Association, which  
21 represents over 2,500 companies from every segment  
22 of the global produce supply chain, including over

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1 500 companies directly involved in the production  
2 and sale of organic fruits and vegetables. IFPA  
3 recognizes the role that the sunset process plays  
4 in maintaining inputs and standards that align with  
5 the organic program, building a food system that  
6 enhances the ecological balance and natural  
7 systems. It should be recognized that the entire  
8 organic crops industry exists in the market place  
9 and is disadvantaged compared to conventional  
10 grown product as the result of having fewer tools  
11 in the toolbox with which to mitigate pest and  
12 disease issues that may occur. This often leads  
13 to destruction of unsellable crops, sometimes  
14 entire fields that had been destroyed by pests,  
15 ultimately wasting finite resources and  
16 necessitating increased consumer prices to  
17 maintain financial viability. Because growing  
18 seasons can be highly variable and production  
19 challenges unpredictable, the removal of items  
20 from the national list can cause further  
21 constraints to organic farmers and hinder  
22 mitigation efforts.

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1           For these reasons, IFPA encourages  
2     judicial,           objective,           science-based  
3     decision-making    when    considering    sunsetting  
4     allowed materials.   With regard to highly soluble  
5     nitrogen fertilizers, IFPA urges NOSB, not to  
6     further just restrict their use as limiting it  
7     would put organic produce growers at a further  
8     disadvantage, and limit their ability to be  
9     successful in production. We believe the use of  
10    these products can be accomplished while  
11    maintaining organic production. We also support  
12    the continued use of a number of materials  
13    currently under sunsetting consideration based on  
14    the utility for production and lack of suitable  
15    alternatives. We've listed those with further  
16    detail and IFPA's written comments submitted to  
17    the docket.

18           With regards to NOSB technical support  
19    initiative from February 13, 2022, IFPA believes  
20    that technical support to the NOSB should be  
21    limited to careers scientists of all agencies  
22    within the USDA, EPA, and FDA, who could receive

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1 and vet input from scientists of public land grant  
2 universities. NOSB is granted the authority to  
3 convene technical advisory panels to consider  
4 specific issues as a part of OEFFA, but the natural  
5 limitations of a 15-person group require that these  
6 outside sources should be utilized to ensure  
7 objective science-based rationale that guides this  
8 decision making process. We urge the NOSB to  
9 approach consideration of recommendations to the  
10 NOP with specific attention to need for adequate  
11 tools for fresh produce growers, for objective  
12 scientific review with an understanding of the  
13 diversity for the many crops growing regions and  
14 production methods in the organic universe. IFPA  
15 has submitted more detailed comments to the docket.

16 We're happy to provide additional information at  
17 any time. We appreciate your consideration of  
18 these comments in support of the fresh produce  
19 industry.

20 CHAIR POWELL-PALM: Thank you so much  
21 for those comments. Any questions for George from  
22 the Board? All right. Thank you. Again,

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1 George, we appreciate your time today.

2 MR. SZCZEPANSKI: Thank you.

3 CHAIR POWELL-PALM: Next up, we have  
4 DeEtta Bilek, followed by Thomas Sisson, and then  
5 Josue Castellanos.

6  
7 MS. BILEK: Good morning. I'm DeEtta  
8 Bilek. I'm the staff person for Organic Farmers  
9 Agency for Relationship Marketing, so part of my  
10 comments are from the organization, another part  
11 of them are from as a certified organic farmer.  
12 We are in Central Minnesota. Our farm has been  
13 certified organic nearly 25 years. I'm also a  
14 member of the Organic Farmers Association, OFA  
15 Policy Committee and some of my comments are on  
16 a personal basis there as well, because I do not  
17 always agree with the policy with the rest who are  
18 with me. The mission of OFARM is to coordinate  
19 efforts of producer marketing groups to benefit  
20 and sustain organic producers with a strong  
21 emphasis on opportunities to educate and engage  
22 producers in the benefits of co-operative

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1 marketing. OFARM continues to be proactive on  
2 issues which either directly or indirectly impact  
3 our number of producers. We are asking the  
4 National Organic Standards Board to continue  
5 working to keep the Organic Program strong and to  
6 advocate for the needs of organic operations.  
7 While we want to commend the NOP for finally  
8 bringing up origin of livestock rules to fruition  
9 and the diligence to work through many aspects of  
10 strengthening organic enforcement rule, it still  
11 points to the problem of time involved in moving  
12 such important rule-making forward in a more timely  
13 manner.

14 Our primary concern for the organic  
15 grain producers that OFARM represents the  
16 implementation of the SOE rule is paramount. We  
17 do want to commend NOP on the progress that has  
18 been made in dealing with many surveillance and  
19 enforcement aspects of the fraud issue. There is  
20 still more to be done regarding organic  
21 traceability. Dealing with fraud has been a top  
22 priority of OFARM and our OFA numbers. Improving

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1 the potentials to identify fraudulent transactions  
2 is a necessary part of strengthening enforcement.

3 As the Board and the NOP consider what new systems  
4 will be necessary to increase the traceability of  
5 organic supply chain, there must be flexibility  
6 for those producers who use paper systems due to  
7 difficulty accessing the Internet. Traceability  
8 requirements must also consider different  
9 marketing structures. On a personal basis, I  
10 personally support transaction certificates. I  
11 think in the past helped, especially for spraying  
12 farmer's crop farmers helped to avoid fraud. I  
13 personally support including acres per crop in on  
14 the organic certificate as well as making that  
15 information available in the organic integrity  
16 database. Regarding the proposed NOSB  
17 recommendation on highly soluble nitrogen or  
18 fertilizers. I as an organic certified farmer,  
19 I'm personally concerned about the ability of  
20 certifiers -- okay.

21 CHAIR POWELL-PALM: I'll ask a quick  
22 question to finish that sentence.

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1 MS. BILEK: Okay. Okay. So as an  
2 organic farmer, I'm personally concerned about the  
3 ability for certifiers, inspectors, and farmers  
4 to monitor the 20 percent of crop needs. And I  
5 wanted to thank the members of NOSB for their  
6 dedication and appreciate the opportunity to  
7 comment. Thank you, Nate for that.

8 CHAIR POWELL-PALM: Thank you so much  
9 for your comments. We really appreciate your time  
10 today. Javier has a question for you.

11 MEMBER ZAMORA: All right. Thank you.  
12 Hi, DeEtta. I love your name. I think this is  
13 the second time in America that I heard that name.  
14 So that's very unique.

15 MS. BILEK: Thanks.

16 MEMBER ZAMORA: And I appreciate your  
17 comments and it feels like you think like a farmer  
18 which makes me really happy and how you guys think  
19 of the collaboration among smaller farmers. And  
20 you said a lot and a lot of beautiful things, but  
21 there is something that I felt like I needed to  
22 ask you. You asked for the NOSB to keep

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1 maintaining the strong -- really all the strong  
2 stand on how organic it is. Can you tell me in  
3 which -- just a little sample on how you feel that  
4 maybe the NOSB is not meeting your expectations  
5 for you and the farmers that you have these  
6 relationships, your constituents in your area?

7 MS. BILEK: I think it's more so that  
8 NOSB will make the recommendations and it takes  
9 a long time to get things into the rule. An example  
10 is the strengthening organic enforcement. I think  
11 once that is in the rule, it will solve a lot of  
12 our issues or concerns.

13 MEMBER ZAMORA: Thank You. Remember,  
14 I'm also -- I'm just learning and I want to know  
15 as much as possible and see how people think in  
16 different parts of the country and how we can  
17 definitely make this a beautiful thing that many  
18 people started many years ago. I dearly  
19 appreciate what they started because it's a  
20 beautiful thing and therefore, we have to do our  
21 best as a group to keep it as healthy and as

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1 accessible to everyone else.

2 MS. BILEK: Thank you.

3 CHAIR POWELL-PALM: Thank you, Javier.

4 I will remind everyone and I really appreciate  
5 the conversation. Please try to keep the  
6 questions a little peppy so we don't run out of  
7 time today. One question for you quick, DeEtta  
8 from me is: In your work with OFARM, it seems like  
9 there's a lot of the questions that we hear from  
10 folks highlight economic concerns in the organic  
11 producer landscape, be it dairy, grain  
12 inconsistency and enforcement leading to market  
13 surpluses. Could you speak a little bit more to  
14 what you see as the future of organic marketing  
15 and organic cooperation amongst farmers?

16 MS. BILEK: One of the things that the  
17 OFARM board members talk about is more  
18 collaborative marketing or marketing through a  
19 farmer co-operative. So I don't really know how  
20 to answer that, I'm sorry.

21 CHAIR POWELL-PALM: That's fair. No,

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1 no, no, I just wanted to give you a chance. Again,  
2 really appreciate your comments today. I think  
3 that there's a lot more to be heard. So appreciate  
4 the work of OFARM and all you guys do. All right.

5 We'll keep on going. So next up is going to be  
6 Thomas Sisson, followed Josue Castellanos, and  
7 then Stephen Walker. So Thomas.

8 MR. SISSON: Hello. Can you hear me?

9 CHAIR POWELL-PALM: Yes.

10 MR. SISSON: All right. Thank you.  
11 My name is Thomas Sisson. And I'm the technical  
12 director of Ingevity to speak on behalf of  
13 distilled tall oil petition. Organic pesticide  
14 formulators have developed many excellent active  
15 ingredients but they recognize a need for inert  
16 additive to deliver the full benefits. Optimizing  
17 organic pesticide formulations means not only  
18 increasing the efficiency, but also giving  
19 formulation options on the type of products being  
20 developed. This includes the ease of use for the  
21 grower, as well as additional organic certified

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1 pesticide options.

2           Next slide, please. Distilled tall  
3 oil is a versatile inert material with many  
4 functions. It is a bio based material derived from  
5 pine trees. There is a general lack of organic  
6 approved solvent which prevents the  
7 commercialization of many water, in soluble,  
8 natural active ingredients. Distilled tall oil  
9 is a natural adhesive or has sticky properties.  
10 We've all experienced pine tree sap we know the  
11 stickiness. This property helps hold active  
12 ingredients under the leaf surfaces, reduces  
13 runoff, and prolongs the actives life-cycle on the  
14 crops. Fungus sides and insecticides are  
15 particularly benefited. The inherent tackiness  
16 of distilled tall oil, before to choose it's an  
17 anti-leaching agent holding the active ingredient  
18 component at the surface of the soil. In granular  
19 formulations distilled tall oil can act as a time  
20 release agent by increasing the time granular  
21 products disintegrate, releasing the active

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1 ingredients over a longer period of time.

2 Next slide, please. Approving  
3 distilled tall oil will benefit growers  
4 significantly. These include enhancing active  
5 efficiencies, more organic certified products, and  
6 ultimately to higher yields and hopefully lower  
7 overall cost. The commercial benefits of using  
8 distilled tall oil as an organic inert will  
9 ultimately reach consumers, helping to expand the  
10 organic crop market.

11 Next slide, please. U.S. growers are  
12 currently at a disadvantage in the global  
13 marketplace as distilled tall oil is allowed in  
14 organic products in the EU, Canada, and Japan.  
15 This also impacts formulators as they need to  
16 develop different products specific for the U.S.  
17 market. We believe the hurdles for acceptance is  
18 organic materials should be high. This includes  
19 inert ingredients like distilled tall oil. We  
20 also believe our petition demonstrates its safety  
21 and natural origins, and it clears this high

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1 hurdle. The overwhelmingly positive comments  
2 support our beliefs. Distilled tall oil has been  
3 used safely for generations by formulators and  
4 growers in traditional crop protection products,  
5 allowing the use of this bio-based, versatile,  
6 environmentally safe, inert material, has multiple  
7 benefits to the organic community. Thank you and  
8 I look forward to your comments.

9 CHAIR POWELL-PALM: Thank you so much  
10 for your presentation and your time today. Any  
11 questions from the Board? All right. I know  
12 we'll be talking quite a bit about this next week.

13 And so we really appreciate the information you  
14 provided. All right. So next up, I don't think  
15 we're seeing Josue. If you're there, please make  
16 yourself known. Otherwise, we'll move on to  
17 Stephen Walker, followed by Caleb Goossen, and  
18 Elijah Dean. So Steven, if you are there.

19 MR. WALKER: Hello there. Hi.

20 CHAIR POWELL-PALM: All right. Hello  
21  
22

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1                   MR. WALKER: Good morning, afternoon,  
2                   depending on where we're at. I'm Steve Walker from  
3                   MOSA, an organic certification agency based in  
4                   Wisconsin. I want to stress some points for our  
5                   written comments on supply chain traceability,  
6                   adding acreage to certificates, and standardizing  
7                   bill of lading info. MOSA certifies over 2,000  
8                   diverse organic operations throughout the U.S.,  
9                   including many quintessential, idyllic organic  
10                  farms. We recognize preventing fraud and strong  
11                  organic standards help these operations to survive  
12                  and we also recognize the three requirements and  
13                  keeping certification accessible to keeping  
14                  requirements can unevenly burden organic  
15                  operations or organic system plan update season.  
16                  We're dealing with a number of smaller organic  
17                  operations that are now choosing to drop their  
18                  organic certification because of the squeeze.  
19                  That's a loss chore label and I can share an example  
20                  if you-all ask about it. So we support finding  
21                  low-burden steps to improve traceability and fraud

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1       deterrence, requiring acreage on certificates and  
2       consistent data points on transaction documents  
3       seem achievable. But we'd like clarity regarding  
4       how crops and acreages would be listed. And we  
5       have a few doubts about efficacy. We inferred  
6       certificate that balance practicality for  
7       certified operations with value in serving the  
8       organic marketplace. The value of acreage  
9       reporting may depend on certifiers agreeing on a  
10      reporting taxonomy. Finding that agreement may  
11      be a challenge because some case specific  
12      flexibility in certificate language can enable  
13      better organic community service in our  
14      experience. Our organic acreage data could be  
15      reportable and be mostly accurate. Variables like  
16      crop rotation changes or multi-cropping may  
17      introduce some data discrepancies. Also,  
18      traceability can't fully rely on a single point  
19      certificate and purchase information. It may be  
20      affected by the number of buyers or sellers  
21      interfacing with the inspected operation and

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1       whether or not sales are from the same crop year,  
2       as indicated on certificates. Our written comment  
3       also noted that crop acreage might be confidential  
4       business information. But in some, we can support  
5       making crop-specific acreage publicly available,  
6       if the organic community finds that the potential  
7       benefits outweigh confidentiality concerns. And  
8       if taxonomy and accuracy expectations are not  
9       unduly burdensome. We have a lot of confidence  
10      in the certification and inspection community's  
11      ability to collaborate, to develop consistent  
12      forms, including standardized transaction  
13      documents. We also would appreciate technical  
14      assistance on record keeping expectations with  
15      examples and including use of appropriate  
16      regulatory discretion when deciding which  
17      communication tools to use to bring operations into  
18      better compliance. That's all I have. Thanks for  
19      your work. I appreciate the clock started ticking  
20      kind of late for me.

21                                   CHAIR POWELL-PALM: Thank you for your

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1        comments.    Any questions from the Board for  
2        Stephen?    Mindee has a question.

3                    MEMBER JEFFERY:    Yes, thank you for  
4        mentioning the loss of local producers.    I am  
5        interested in hearing your reasons.    I see that  
6        in our area as well.

7  
8                    MR. WALKER:    I have -- yes, thanks for  
9        asking.    I kind of debated that one a little bit.

10        I'll share one written response that we received  
11        this past week from a producer, I mean, it's an  
12        example of some that we're hearing.    It's not  
13        throughout the system, but we're hearing this from  
14        some operations.    This is in response to reminding  
15        them that, hey, we haven't received your organic  
16        system plan yet for your update yet on our April  
17        1 deadline.    And they said that they've been in  
18        serious    consideration    about    our    organic  
19        certification status, contemplating it's place in  
20        our small farm, both from a production and  
21        marketing perspective, as well as factoring in the

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1 effort needed when growing under extreme  
2 conditions. They had a drought last year as an  
3 example. And so we've come to the conclusion that  
4 although we've been grateful for the  
5 certification, maintaining our certified organic  
6 status is not something we find necessary, given  
7 the paperwork and process involved, moving  
8 forward. And they noted some of their  
9 considerations, including that the farm is small,  
10 producing for local seasonal distribution.  
11 They're finding that the amount of work involved  
12 in the paperwork and process requirements for a  
13 multi-crop vegetable farm versus a commodity farm,  
14 don't justify the small income the farm produces.

15 Second, the certification status is for marketing  
16 purposes only, it doesn't affect how they grow.

17 We have always and will continue to farm with the  
18 same organic and regenerative practices. And then  
19 they mentioned drought or other extreme weather  
20 conditions that's requiring more time effort  
21 caused or medial methods, mental, physical stress

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1 and the added burden of the current requirements  
2 for certification on a small farm, like theirs,  
3 it's one set of stresses that they felt that they  
4 could eliminate and still be able to focus their  
5 energy on producing food. And then they affirm,  
6 you know, we have to do the work that we do. They  
7 understand that we're required to administer and  
8 enforce the standards as written by the USDA and  
9 it was their hope that working together at all  
10 levels that we can improve the process and ease  
11 of implementation for all types and sizes of farms.  
12 So it's the kind of thing we're hearing. Some,  
13 yes.

14 CHAIR POWELL-PALM: Amy has a  
15 question.

16 MEMBER BRUCH: Yes. Stephen, thank  
17 you for summarizing these important points of view  
18 and just kind of highlighting the record keeping  
19 requirement, keeping costs low, and then that  
20 maintaining integrity, it's kind of the three  
21 legged stool there. You made a comment in your

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1 written delivery of the public comment process  
2 about MOSA being an active participant in groups  
3 that the ACA puts together. And I thought that  
4 was -- that's great so that participation and you  
5 went on to say about collaboration potentially  
6 would be needed between ACA and IOIA to generate,  
7 you know, best practices for key data that we could  
8 capture potentially, with bills of lading. I just  
9 wondered in these working groups, I think the  
10 collaboration pieces important. Is there ever an  
11 opportunity for the farmer point of you to be  
12 integrated in some of these types of workshops?

13 So you can -- maybe there's an idea to streamline  
14 and get everybody's point of view across?

15 MR. WALKER: Yes. I think there is an  
16 opportunity typically the working groups do  
17 involve really just certify sometimes we'll reach  
18 out and include other stakeholders. I'm not aware  
19 of a case where we've actively reached out to say  
20 to get farmer representatives as a part of that  
21 working group, and I would assume there could be

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1       openness to that. On the other hand or maybe not  
2       on the other hand, but as a part of that, I think  
3       certifiers are pretty well aware of what a lot of  
4       the farm issues are and a lot of certifiers are  
5       actively farming as well. So it's a good point  
6       and I think that the main point is to bring the  
7       right stakeholders, and perspectives to the table  
8       so that we don't implement something that we find  
9       out later on. We should have thought about that.

10               MEMBER BRUCH:       Yes, absolutely.  
11       Thank you. Appreciate it.

12               MR. WALKER:    Yes. Thanks.

13               CHAIR POWELL-PALM: We have another  
14       question from Liz and then Kim. No question, Liz?  
15       Okay. Kim, go ahead.

16               MEMBER HUSEMAN: Sorry. I couldn't  
17       get my thing to unmute. Can you hear me now?

18               CHAIR POWELL-PALM: Oh, we can, yes.  
19       Go ahead.

20               MEMBER HUSEMAN: Okay. Sorry.

21               CHAIR POWELL-PALM: No worries.

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1                   MEMBER HUSEMAN:     Okay.     Stephen,  
2     thank you very much.    Being a small farmer myself,  
3     could you, or do you know in regards to the smaller  
4     scale producers, are they primarily retail selling  
5     and no wholesale production?   And because they're  
6     retail selling, there may be already demanding a  
7     pretty high price for their product that they're  
8     selling and so therefore, they don't feel that the  
9     organic certificate, organic label would allow  
10    them a higher price?   And therefore, they don't  
11    feel that it's important?   I'm just trying to  
12    understand more about why the smaller producer  
13    feels like it's not necessary for them.

14                   MR. WALKER:    Yes.    I think that it's  
15    a fair characterization but I'd be cautious about  
16    stereotyping and saying, all small producers feel  
17    this way.   And I don't know how well I can represent  
18    that per se, but I think a lot of times it is a  
19    choice of what their markets need.   And if their  
20    distribution chain is direct to consumer then maybe  
21    they're deciding that they can communicate the

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1 attributes of their operation without having the  
2 organic certification. However, is it what we  
3 want for folks to be able to say, Looks it's  
4 organic, and organic means, look at this whole set  
5 of standards over here and again, I've appreciated  
6 some of our Nate's questions in the last couple  
7 of days about what can we to do to make organic  
8 become more than, you know, five percent of the  
9 market, to get it up to, you know mostly it's  
10 organic vision anyway of a thriving organic world.

11 And I think there's a lot to be said for education,  
12 better promotion of what organic's stacked  
13 benefits are. Talking about what we do well, at  
14 these meetings.

15

16 So often we're debating the things  
17 that, you know, we haven't figured out yet and I  
18 think it can be characterized, maybe it's, well,  
19 those organic people aren't agreeing on anything.

20 But we are, you know, we agree on the basic  
21 principles and I think that if we can unify around

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1 and health ecology in fairness care, soil health  
2 and the things that we agree on. And really put  
3 that message forward, that it would be a way of  
4 you know, moving the whole program, the whole  
5 community forward. And also, if it's a cost issue,  
6 cost in time, cost in dollars, and now as so many  
7 of us are working at home and we're able to seek  
8 staff support from all around the country. We're  
9 finding that although we're in the Midwest were  
10 kind of competing with some of those capacity  
11 changing resources on a national level. And that  
12 translates to what does our clientele look like  
13 versus what another certifier's clientele looks  
14 like? How many dollars are we bringing in? What  
15 can we afford to pay versus certifiers in other  
16 locations? So some sort of equity and cost support  
17 for the necessary business of certification would  
18 be helpful and also just seizing that organic is  
19 still a gold standard. And as we see other labels  
20 trying to come in and patch in places where we're  
21 not as strong as we can be, some of those can be

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1 seized as well. Organic is regenerative, organic  
2 is climate-smart agriculture. Those sorts of  
3 things. So --

4 CHAIR POWELL-PALM: I so appreciate  
5 everything you're saying, right now, Stephen. In  
6 the name of time, I'm going to have --

7 MR. WALKER: Yes.

8 CHAIR POWELL-PALM: Kim, asked her  
9 question. But -- I am not cutting you off. That  
10 is exactly what I hope the group of our community  
11 starts engaging as a talking point. Kim, please  
12 go ahead.

13 MEMBER HUSEMAN: Hi Stephen, I really  
14 appreciate the way that you've helped bring a light  
15 to a lot of the -- a lot of these topics that we  
16 struggle in how to manage through. My question  
17 for you is: In a lot of the comments that I'm hearing  
18 and reading the three words as we try for better  
19 SOE practices is traceability, transparency, and  
20 confidentiality. From your perspective, what is  
21 the line in the sand between traceability and

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1 transparency and encroaching on confidentiality?

2 MR. WALKER: I think -- I don't know  
3 if there's a concrete line. I think it's another  
4 question of balance. And I know when you're  
5 writing regulations, you want to have it, you know,  
6 concrete so, you know, people can say am I meeting  
7 the standard or am I not. But it -- some people  
8 like words in the standards like significant which  
9 is open to interpretation. I tend to like those  
10 kinds of words and then be able to apply those to  
11 the aspects of the operation. And what this  
12 operation need to come into compliance versus  
13 another operation. So yes, it's tricky to draw  
14 -- we're in the business of drawing lines.  
15 Sometimes a line can be drawn and then examples  
16 can be given that help to show better where that  
17 line is, you know. Here's examples of things that  
18 are clearly not compliant. Here's examples of  
19 things that clearly are. And sometimes we don't  
20 get examples of things that are on a line that might  
21 be a little bit fuzzy, but we're all really good

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1 at critically thinking.

2 MEMBER HUSEMAN: Thank you, Stephen.

3 CHAIR POWELL-PALM: Thank you so much,  
4 Stephen. I apologize. I really have to keep on  
5 moving, but thank you so much for your insights  
6 today.

7 MR. WALKER: Thank you.

8 CHAIR POWELL-PALM: I appreciate it.

9 MR. WALKER: Bye, bye.

10 CHAIR POWELL-PALM: Next up, we have  
11 Caleb Goossen, followed by Elijah Dean, and then  
12 Jeff Dean. Caleb, the floor is yours.

13 MR. GOOSSEN: Hello. My name is Caleb  
14 Goossen. I'm the crop specialist for MOFGA, the  
15 Maine Organic Farmers and Gardeners Association,  
16 one of the country's oldest organic associations.

17 I believe the most important topic for me to  
18 comment on right now is regarding the restriction  
19 of nitrogen fertilizers with a carbon to nitrogen  
20 ratio of three to one or less. I think that --  
21 I thank the crops of the committee for their work

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1 on this topic and fully support the proposal.  
2 Highly available sources of nitrogen with carbon  
3 to nitrogen ratios of three to one or less should  
4 be greatly limited to ensure that organic fertility  
5 management remains true to the foundational  
6 principle of feeding and building soil. Carbon  
7 to nitrogen ratios are the best method that I am  
8 aware of, to measure a natural fertility materials  
9 remineralization, and properties as a food source  
10 to soil life and subsequently their plant  
11 availability. The current proposal would do an  
12 excellent job of providing much needed guardrails  
13 while still allowing organic growers great  
14 flexibility in different growing conditions.  
15 With very low added burden for most farmers and  
16 certifiers.

17

18 The direct relationship between carbon  
19 to nitrogen ratio and release rate of plant  
20 available nitrogen has been known for at least 80  
21 years. There's a study on the topic from the New

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1 Jersey Ag Experiment Station that was published  
2 in Soil Science in 1942. The proposed three to  
3 one carbon to nitrogen ratio is a generous dividing  
4 line for distinguishing rapidly available nitrogen  
5 fertility amendments that allows great producer  
6 flexibility in meeting acute crop needs with common  
7 traditionally used organic fertility sources while  
8 still setting a minimum floor to ensure that at  
9 least 80 percent of the nitrogen is also supplying  
10 at least some carbon to feed the soil. Bruce  
11 Hoskins who is at the University of Maine suggests  
12 that a ten to one carbon to nitrogen ratio is the  
13 threshold for rapid nitrogen availability from  
14 fertility amendments. And that's based off of  
15 many other studies. Bruce's own studies, Heather  
16 Darby's studies at UVM, it's pretty well  
17 established. So anything that's below that and  
18 still about three to one, you're still allowing  
19 farmers to get that rapid nitrogen release. And  
20 then there's that additional 20 percent of nitrogen  
21 that could be coming from even more readily

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1 available sources of fertility. So with that I  
2 yield my time and happy to answer any questions  
3 about this or other topics.

4 CHAIR POWELL-PALM: Thank you so much  
5 for your comments today. Any questions from the  
6 Board? Amy has a question.

7 MEMBER BRUCH: Caleb, thank you for  
8 your time today. Thanks for your perspective.  
9 You touched on this briefly in your comments just  
10 a little bit ago but I just wanted for you to quickly  
11 compare and contrast the CDN ratio with the -- just  
12 looking at nitrogen solubility.

13 MR. GOOSSEN: Sure. I mean, one trick  
14 is that solubility is sort of a tricky concept.

15 If we're talking about actual compounds and how  
16 quickly they dissolve versus whether the substance  
17 is miscible and is able to be put into a solution,  
18 of which many of some of our newer fertilizers out  
19 there are easily put into a -- easily, at least  
20 in solution, maybe not dissolved in solution, and  
21 can be applied liquid. And, you know, if we think

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1 about some of our common fertility sources from  
2 forever, manure, there's usually ammonium nitrate  
3 that comes out readily as a soluble nitrogen  
4 source. That's why I actually prefer to use plant  
5 availability or highly available nitrogen as a term  
6 or less available. Bruce Hoskins who I mentioned  
7 just uses rapid release, gradual release, very slow  
8 release, or tie up of nitrogen based on that carbon  
9 to nitrogen ratio. And it really just kind of gets  
10 back to the fact that microbes in the soil possess  
11 a very specific carbon to nitrogen ratio within  
12 their own bodies essentially. And when you supply  
13 them with excess carbon, they tend to lock up  
14 nitrogen, when you supply them with excess  
15 nitrogen, they will blow through whatever carbon  
16 is available to them in really loose terms.

17 MEMBER BRUCH: Thank you, Caleb.

18 CHAIR POWELL-PALM: Thank you for your  
19 comments, Caleb. Appreciate your time today.  
20 All right. Next up, we've have Elijah Dean,  
21 followed by Jeff Dean, and then Joel Kurtz.

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1 MR. ELIJAH DEAN: Okay. Can you hear  
2 me?

3 CHAIR POWELL-PALM: Yes, we can.

4 MR. ELIJAH DEAN: Excellent. All  
5 right. Hi, everyone. This is Elijah Dean. I am  
6 a full-time farmer in North Central Ohio, and I  
7 have two topics I'd like to talk to you about today.

8 Just like the previous commenter, my first one  
9 is about the highly soluble nitrogen fertilizers.

10 We've -- I fully support the extension of the  
11 existing rules regarding Chilean nitrate and using  
12 that as only 20 percent of the crops nitrogen needs.

13 And it seems like a logical extension to expand  
14 that to all other similar nitrogen sources. And  
15 I really appreciate the effort to establish general  
16 guidelines with the three to one ratio. I really  
17 like how that allows for flexibility in farmers'  
18 operations. And it also allows for flexibility  
19 in the development of new products coming to the  
20 market. I think it's a really smart way to provide  
21 for the needs of multiple groups within the organic

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1 space. And as a farmer, I know that having that  
2 flexibility can be very important on certain years,  
3 depending on how crops are -- have performed  
4 through the winter. For example, our wheat right  
5 now, it could use a bit of extra nitrogen and having  
6 the ability to use Chilean nitrate for just that  
7 little extra boost is extremely beneficial.

8 Secondly, I would like to talk about  
9 the timing and format of meetings. This is  
10 probably a topic that you all are tired of hearing  
11 from me about. I think this is the fourth year  
12 maybe that I've been mentioning it. But having  
13 these meetings in the spring and in the fall is  
14 extremely disadvantageous to the farmers of the  
15 country. And it has been beneficial to have all  
16 of these Zoom meetings over the past couple of years  
17 because it puts us more on an equal playing field.

18 It's much easier to take a couple of hours than  
19 it is to take a couple of days this time of year  
20 but still going forward I think it would be very  
21 advantageous to have the meetings at a time when

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1 more of the country's farmers are able to attend.

2 And there are many different ways we could go about  
3 that. Perhaps just shifting the meetings two  
4 weeks every time and gradually progressing through  
5 the year. Or maybe eventually progress them to  
6 a time such as the winter when the majority of the  
7 country's farmers are available and able to  
8 participate. I think it would be advantageous for  
9 the Board and advantageous for the organic movement  
10 as a whole. Thank you.

11 CHAIR POWELL-PALM: Thank you for your  
12 comments. We really appreciate your work and the  
13 OEFFA Grain Growers Chapter is always very helpful  
14 with bringing farmers' voices to this  
15 conversation. Amy has a question.

16 MEMBER BRUCH: Elijah, thank you for  
17 your time today from here to the operation. The  
18 last comment you mentioned, I believe you  
19 referenced him that it shouldn't be a burden, but  
20 it's calculations if you wanted to use a highly  
21 stable nitrogen product and you mentioned that the

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1 guidelines were clear in the proposal, and that  
2 you potentially would be choosing to use one of  
3 these types of products. Do you find the  
4 calculations to be straightforward enough, that  
5 you feel comfortable with what's being proposed?

6 MR. ELIJAH DEAN: Definitely, yes.  
7 The discussion document lays out a couple of, for  
8 me easy to follow examples of how this would be  
9 implemented. Both for an individual source of  
10 nitrogen under this requirement and also for  
11 multiple. I think it's laid out very clearly, and  
12 I would have no problem at all implementing that  
13 in a way that follows the rules.

14 MEMBER BRUCH: Thank you. I  
15 appreciate that.

16 CHAIR POWELL-PALM: Logan.

17 MEMBER PETREY: Thank you, Elijah.  
18 I'm curious, you said this winter, you're going  
19 to need a little bit of sodium nitrate to help you  
20 out. Just curious to what kind of winter  
21 conditions you may have had or spring conditions

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1 that where you're requiring the use?

2 MR. ELIJAH DEAN: It's still something  
3 that we are considering. We managed to get our  
4 wheat planted early and we had a mild winter that  
5 it survived and is looking really good. With that  
6 stand, we are probably going to be limited on  
7 nitrogen for the yield potential of that crop.  
8 I am not sure yet whether we're actually going to  
9 go ahead and use Chilean nitrate to provide that  
10 a little boost to it or not. But the option is  
11 there and I really appreciate having that  
12 flexibility.

13 MEMBER PETREY: Yes. And I'm speaking  
14 from a farm in the southeast where we use Chilean  
15 nitrate a lot of range but I was just curious that  
16 what may have faced that came -- that would have  
17 me put that out. Also, just to comment on the,  
18 you know, the meetings, we'll definitely talk about  
19 it. It has come up a lot. You know, the time of  
20 that also, you know, something that we're going  
21 to have to consider is the on boarding if you know,

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1 new board members and then the exit of other board  
2 members. But we definitely want to look in to what  
3 we can do. So thank you.

4 MR. ELIJAH DEAN: If I could add one  
5 more thing about the wheat yields. In our area,  
6 depending on when the wheat is planted and how the  
7 winter goes, it would be unwise for us to fertilize  
8 for an absolute top crop every year. Because if  
9 the wheat doesn't do well, we would be really over  
10 fertilizing and adding a lot more nitrogen out  
11 there in the fall with manures, than the wheat will  
12 actually take up. So if we fertilize for a middle  
13 yield and then add the Chilean nitrate on top, we  
14 can make sure we're not over fertilizing.

15 MEMBER PETREY: And when you say over  
16 fertilizing you're meaning with the manures where  
17 we could be polluting with organic fertilizers?

18 MR. ELIJAH DEAN: Correct, yes.  
19 Possibility.

20 CHAIR POWELL-PALM: Thank you, Elijah.  
21 I really appreciate your time today. Next up,

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1 we have Dean, sorry, Jeff Dean.

2 MR. JEFF DEAN: Can you hear me okay?

3 CHAIR POWELL-PALM: Yes, we can.

4 MR. JEFF DEAN: All right. I am  
5 Jefferson Dean of TimberLane Organic Farms and you  
6 just heard from my son. Also an O for organic,  
7 Ohio ecological Food and Farmers Association Grain  
8 Growers Chapter member. I want to thank everybody  
9 for serving on the board. I know it's a big  
10 responsibility to uphold the integrity of organic  
11 industry and we appreciate your efforts. I have  
12 a few things I want to talk about. First is  
13 hydroponic and container systems. These systems  
14 do not use soil and they don't comply with the  
15 letter of the rules nor the spirit of the rules.  
16 Soil and soil building is right in the description  
17 of organics, as well as other places such as crop  
18 rotations, both stating that the goal is for --  
19 to build soil. This needs to stop or change the  
20 rules. We can't have, you know, noncompliance  
21 being certified. As far as highly soluble

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1 nitrogen fertilizers, this is an easy one for me  
2 because there's already a precedent, and that's  
3 Chilean nitrate. I support the, you know, the  
4 addition of this motion. And I think it's pretty  
5 simple. If a grower thinks it's too complicated  
6 to figure it out, they don't need to use it. You  
7 know, and if they're using it too much, they're  
8 probably not following the organic spirit of  
9 organic. So as far as timing of the NOSB meeting,  
10 this is getting to be a sore subject with me. I've  
11 been bringing this up -- this issue up for over  
12 five years about the times of the meetings -- and  
13 they need to be scheduled different so that more  
14 farmers can participate. I'm beginning to think  
15 that maybe the Board -- at least in the Board in  
16 the past, is -- didn't want farmers to participate  
17 and that's why we -- they've kept the meetings,  
18 you know, in the spring and the fall when it's very  
19 difficult for most farmers to participate. So I  
20 want to thank you again for listening to my comments  
21 and open to any questions.

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1 CHAIR POWELL-PALM: Thank you so much,  
2 Jeff, for your comments today. Any questions from  
3 the board? Amy?

4 MEMBER BRUCH: Yes, Jeff, I don't have  
5 a question for you this time, but I just want to  
6 say thank you. I really appreciate your  
7 participation taking time away from your  
8 operation. This is really important to hear your  
9 voice and the other farmers' voices. Thank you.

10 MR. JEFF DEAN: Thank you very much for  
11 your participation.

12 CHAIR POWELL-PALM: Mindee.

13 MEMBER JEFFERY: Thank you. Also  
14 really appreciate you. I was wondering if you see  
15 this platform as a functional compromise to the  
16 timing question?

17 MR. JEFF DEAN: I'm not sure I think  
18 that meeting in person has more impact, but this  
19 helps definitely. The problem with meeting in  
20 person is that they're constantly big business  
21 trying to get in and water down the rules, and it's

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1 very difficult for farmers to compete with that.  
2 And they can send an entourage of people to come  
3 in and, you know, speak to you, and it's very  
4 difficult for farmers to, you know, spend their  
5 own money to travel across country to try to  
6 compete. But I think in person it's more  
7 impactful. I would like to ask you is the  
8 in-person, you know, face-to-face conversation  
9 more impactful than the Zoom?

10 MEMBER JEFFERY: Good question.  
11 Honestly, this is we haven't -- my class hasn't  
12 had an in-person meeting yet, so the actual  
13 experience isn't there for me. And I'm really  
14 interested in whatever the functional compromises  
15 that gets us the most participation because I am  
16 very interested in all the farmer, especially small  
17 farmer prospective so thank you.

18 MR. JEFF DEAN: I'd also like to say  
19 even, this time of year, it's difficult for us to  
20 get away sometimes to do a Zoom. I know we've done  
21 a couple of them in the past --

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1 PARTICIPANT: Give me two minutes and  
2 then we go out.

3 MS. ARSENAULT: Sorry, I was -- Jeff,  
4 I just muted you by accident trying to mute someone  
5 else. So can you unmute yourself to finish?  
6 Sorry.

7 MR. JEFF DEAN: I'm sorry. I didn't  
8 realize that. I was like, even, you know, the  
9 meetings at this time of year, the spring and the  
10 fall are difficult, you know, sometimes, you know,  
11 we're lucky today, we're not, you know, out in the  
12 field, but we've done the call-ins at the edge of  
13 the field. We stopped the tractor and get in the  
14 pickup and call in. It can be difficult I know  
15 a lot of farmers don't participate because of that.

16 So there's -- I don't see any reason why you can't  
17 have them, you know, in the winter and, you know,  
18 having them in Phoenix would be great so we can  
19 all come down and enjoy the week in warm weather,  
20 but anyhow. Thank you very much.

21 CHAIR POWELL-PALM: One thing I'd just

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1       like to throw at this conversation is we do legally  
2       need six months between the meetings. So it's just  
3       tricky to find that, you know, if we're in the heat  
4       of the summer, then and the depth of the winter.

5       Then always going to be folks who can't make it,  
6       but Rick has another question.

7                   MEMBER GREENWOOD: Just --

8                   CHAIR POWELL-PALM: Rick, I think your  
9       muted.

10                  MEMBER GREENWOOD: Jeff, I agree with  
11       you because I think I'm the only board member now,  
12       since I'm in my fifth year, that actually has been  
13       to the live meetings and I agree they are more  
14       impactful. In particular, since I also am a  
15       grower. Hearing the feelings that people have,  
16       in particular, when we went through a lot of the  
17       dairy issues, I mean, you really get a feel for  
18       what's going on that's missing on the Zoom. The  
19       other side of it is using the Zoom. Like for me,  
20       it's two days that I gain because I don't have  
21       travel time and so it's a tough question, it really

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1 is. And so I just harvested two weeks ago and I'm  
2 in Southern California so it's really hard to  
3 balance out a big country like this and find a time  
4 that's appropriate for everyone. But, you know,  
5 I guess I can say I feel your pain.

6 MR. JEFF DEAN: Well the suggestions  
7 been made that we conduct the meeting up, you know,  
8 or move forward two months, two weeks, every time.

9 And that would make, you know, comply with the  
10 six months thing, but also change the meeting every  
11 year, so that, you know, everybody has a chance.

12 MEMBER GREENWOOD: Yes. Got it.  
13 Thanks a lot.

14 CHAIR POWELL-PALM: Dilip, has a  
15 question.

16 MEMBER NANDWANI: Well, this is not a  
17 question, it's just a suggestion or a comment.  
18 Another option, you know, listening to this timing  
19 of the meetings, we have a hybrid formula that's  
20 available. And it could be in person as well as  
21 on the Zoom as well those who cannot make in person,

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1 that's I wanted to --

2 CHAIR POWELL-PALM: Thank you for  
3 that. Yes, there's going to be some piloting of  
4 some new tech integration in the, hopefully  
5 in-person fall meeting. So I hope that we'll be  
6 able to glean some ideas from that. Really  
7 appreciate your time today, Jeff, one question I  
8 just wanted to throw your way is: As an organic  
9 farmer, what is holding back your growth? What  
10 would -- and what do you think it would take for  
11 more of your neighbors to start going organic?  
12 You're conventional neighbors. What is it that  
13 we can -- what barriers are there and what can we  
14 overcome to make it happened?

15 MR. JEFF DEAN: Educate --

16 CHAIR POWELL-PALM: Education of the  
17 consumer to drive demand so we have more markets?

18 MR. JEFF DEAN: No. Education of the  
19 farmers. I don't think they understand much about  
20 organic and sometimes there's still a bad  
21 connotation out there of what organic actually is

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1 and how it works. And they're coming around, we  
2 picked up a fair amount of new growers in the last  
3 few years. The transition seems to be a tough  
4 hurdle for a conventional farmer to get over. When  
5 they actually go through it, I don't think it is  
6 as nearly as difficult as they think it is. But  
7 that would be part of the education on how to get  
8 through that. There's many ways to get through  
9 transition without, you know, a financial burden.  
10 So I think education is the key.

11 CHAIR POWELL-PALM: All right. Well,  
12 we really appreciate your time here today.

13 MR. JEFF DEAN: But I think nutrition  
14 and education is key to all our problems in the  
15 world, social and economic. So --

16 CHAIR POWELL-PALM: I can agree with  
17 that, yes.

18 MR. JEFF DEAN: Thank you.

19 CHAIR POWELL-PALM: Moving right  
20 along, we'll next time have Joel Kurtz followed  
21 by Raymond Yoder, Jr., and then Doyle Stoller.

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1 Joel.

2 MR. KURTZ: Can you hear me?

3 CHAIR POWELL-PALM: Yes, we can.

4

5 MR. KURTZ: Hello. My name is Joel  
6 Kurtz. I worked as an agronomist at Maysville  
7 Elevator. We are a local feed elevator located  
8 in the Amish community in Holmes County, Ohio.  
9 I'm also a contract inspector for OEFFA. And I  
10 want to thank all the board members for the service  
11 you've been providing certainly. Thank you for  
12 that. First comment, I support restricting the  
13 highest volume of nitrogen fertilizers. I think  
14 this will encourage the farmers to manage far more  
15 ecologically from an organic systems approach.  
16 I believe farmers can be more profitable and  
17 provide healthier food crops by managing soil  
18 health instead of depending more on the purchase  
19 type of inputs. And then also on the oversight,  
20 the -- to deter fraud, you're gaining trackability  
21 infrastructure. I support a universal bill of

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1 lading. I believe this would increase  
2 transparency. And then on acreage reporting, I  
3 believe acreage reporting would work best if  
4 approached by size, small acreage could be reported  
5 as mixed crops. I think on Tuesday we had -- we  
6 heard about that conversation. And then just a  
7 side note on data systems, building traceability  
8 infrastructure. I believe the integrity and the  
9 future success of the organic system is dependent  
10 on a flexible, decentralized auditing system,  
11 versus a single centralized system. Recent world  
12 events have shown that being dependent on  
13 centralized systems is not in the best interest  
14 of people that need food to survive which is all  
15 of us. By having flexible, diverse auditing  
16 methods, it appears to not be as efficient, but  
17 when one method fails, another method may be able  
18 to continue providing the needed service.  
19 Variability and farm size also can dictate what  
20 method is most successful for farmers. I guess,  
21 in short, paper still has value. Thanks again to

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1 the Board and I'm open for questions.

2 CHAIR POWELL-PALM: I just want to  
3 throw out real quick that I am so excited we have  
4 someone from the Amish community commenting today.

5 I think this is something really, really special  
6 to be able to hear from a wider swath of organic  
7 farmers. So thank you for your time. Any  
8 questions from the Board right now? I have a  
9 question for you. When we look at -- we've heard  
10 from several mostly certifiers, that we want to  
11 create record keeping requirements and  
12 advancements in record keeping that are not overly  
13 burdensome on certain groups, such as the Plain  
14 community who's going to usually more paper-based.

15 With this idea of a universal bill of lading does  
16 that seem doable with the paper, primarily  
17 paper-based systems that your community and your  
18 business runs on?

19 MR. KURTZ: Yes, I believe so. If you  
20 have -- if we've got a universal bill of lading  
21 that the farmer can actually fill out, and that

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1 can follow along to, you know, the end-user or sale,  
2 like for example, the elevator at that point, if  
3 it's a non-Amish business that can input that into  
4 the data system, I don't think that would be a  
5 problem.

6 CHAIR POWELL-PALM: All right. I  
7 really appreciate that. And then in looking at  
8 the acreage reporting, do you feel that you and  
9 your neighbors and other folks in your community  
10 are comfortable having their acreages listed on  
11 the certificate?

12 MR. KURTZ: Yes, I believe they are  
13 comfortable reporting their acreage. The big  
14 thing is just making, you know, moves in planning  
15 in the springtime when they change which crops they  
16 do. And most of them are smaller acreage with,  
17 you know, 20 acres all the way down to, you know,  
18 around three-quarter acre or whatever. But no,  
19 I don't think they would have a problem reporting  
20 the actual acreage for their crops.

21 CHAIR POWELL-PALM: Thank you very

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1 much for that. Amy has a question.

2 MEMBER BRUCH: Yes, Joel, thank you for  
3 your time today and participation. And it sounds  
4 like you participated through listening on Tuesday  
5 too, so the thanks for that. You just mentioned  
6 in your answer to Nate that if we had some type  
7 of a universal bill of lading that could maybe  
8 transfer through. And I see that you're a part  
9 of, and you mentioned this, the Maysville Elevator.  
10 Is there a chance with low burden to associate  
11 the bills of lading that farmers have with the  
12 settlement sheets that maybe you supply growers  
13 just so that reconciliation and tieback could take  
14 place with low burden?

15 MR. KURTZ: Yes, I believe so. I  
16 believe something like back to work out.  
17 Obviously, as far as the elevator goes, we have  
18 to keep, you know, records anyway, and we are  
19 dealing with the farmer. And so the farmer's  
20 success and our success hinges on us working  
21 together and making it work for both of us. And

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1 so I guess I feel in our situation, if we can provide  
2 something that the farmer has a hard time providing  
3 himself, if we can provide that for the farmer,  
4 and provide that integration into the system, that  
5 will be very beneficial to the farmers and they  
6 will not have a problem to use it that way.

7 MEMBER BRUCH: Great. Thank you so  
8 much.

9 CHAIR POWELL-PALM: Thank you, Joel.  
10 Thank you so much for your participation and  
11 comments. Next up, we have Raymond Yoder Jr.  
12 followed by Doyle Stoller, and then Alan Lewis.

13 So Raymond --

14 MR. YODER: Good afternoon. Can you  
15 hear me?

16 CHAIR POWELL-PALM: Yes, we can just  
17 go ahead.

18  
19 MR. YODER: Okay. So Raymond Yoder  
20 Jr. representing Green Field Farms here. So Green  
21 Field Farms we have about 330 members and we're

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1 neighbors with Joel here in the Plain community  
2 in Central Ohio. And our mission is to keep the  
3 small families on the farm. Being that bridge from  
4 the producer to the consumer. And I'm going to  
5 thank all the NOSB Board members for your time  
6 serving. Hopefully the rewards of positive change  
7 can outweigh the personal sacrifice that it takes  
8 to do that. First off, I'm going to support the  
9 continued use of restricted micronutrients. I  
10 feel those are just very essential for soil health  
11 and highly nutritious crops. And at the same time,  
12 I do want to mention something that we have really  
13 worked with or struggled with and that is  
14 magnesium. Most of the soils that we work with  
15 in the Midwest region, it's inherently high in  
16 magnesium, the soils are. And we've found that  
17 it's just always low in the crop, if we do a tissue  
18 analysis and the -- our preferred source for  
19 magnesium correction is magnesium sulfate. And  
20 in the letter of the rule, it says it's restricted  
21 in the soil. And so for high in the soil, we're

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1 low in the crop and we, you know, we talk about  
2 this in our winter meetings with the farmers and  
3 we always get that question. Well, it's -- we  
4 can't apply it because it's excessive in the soil.

5 So my recommendation would be to change the rule  
6 there so that we could -- and so the thing of it  
7 is the magnesium deficiency is often identified  
8 by the farmers as a nitrogen deficiency because  
9 it looks similar, yet it is identifiable. And if  
10 we -- nitrogen covers it up. But if we use nitrogen  
11 to do that, quality suffers, unless magnesium is  
12 fully applied. The other thing on the highly  
13 soluble nitrogen. I do support the proposal there  
14 to -- I -- the concept -- the commercialized concept  
15 of applying, you know, so many parts per million  
16 of NPK every day for record yields is just not soil  
17 friendly, so thank you.

18 CHAIR POWELL-PALM: Thank you very  
19 much for your comments today and your  
20 participation. Amy has a question for you.

21 MEMBER BRUCH: Yes. Thank you so much

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1 for your participation today, Raymond. I thought  
2 it was very interesting. What you're talking  
3 about with soil balance being key and I tend to  
4 agree with you that calcium-magnesium relationship  
5 is really important and sometimes nitrogen might  
6 seem like it's not there when it really is. So  
7 getting that soil balance is important but I wanted  
8 to ask you, in terms of it looked like maybe if  
9 you had more time, you're going to get to CACS in  
10 our topic, one of our topics is on, yes. One of  
11 our topics is on a just on a universal bills of  
12 lading and displaying acreage potentially on your  
13 certificate. I had a question from you with your  
14 buyers --

15 MR. YODER: Yes.

16 MEMBER BRUCH: -- has anybody  
17 requested anything in addition to your  
18 certificates in the past just to prove what you  
19 grow is what you can sell?

20 MR. YODER: Our buyers have not other  
21 than, you know, obviously they request a lot of

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1 food safety paperwork, you know, our farm food  
2 safety plans and all our gap certificates and  
3 things like that but as far as for integrity  
4 purposes? No.

5 MEMBER BRUCH: Yes.

6 MR. YODER: And we do sell direct to  
7 Kroger's and Harris Teeter and places like that.

8 MEMBER BRUCH: Thank you, Raymond.

9 CHAIR POWELL-PALM: All right. Thank  
10 you again, Raymond, thank you for your comments.

11 Next up --

12 MR. YODER: Your welcome.

13 CHAIR POWELL-PALM: -- we have Doyle  
14 Stoller, followed by Alan Lewis, David Meyer,  
15 Jackie DeMinter, and then we'll take a break. So  
16 thank you, everyone. The conversations have been  
17 robust and we're running a little behind, which  
18 is okay. All right. Doyle, yes, please go ahead.

19

20

21 MR. STOLLER: Hi. We are dairy

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1 farmers in North Central Ohio. We've been organic  
2 since 2001 before there was even a market, so we  
3 clearly believe in the system. My dad's actually  
4 on the board of directors of Organic Valley, so  
5 but anyway, the reason I'm here. I don't want to  
6 sound impersonal, but at the same time. So I can,  
7 you know, keep everything clear and get away once  
8 I'm just going to read a little bit here. I'm here  
9 to highlight the importance and necessity of copper  
10 and zinc hoof care products. Heel warms and foot  
11 rot is present on most dairy farms. These two  
12 pathogens were on our farm when we moved here in  
13 1996. Most well managed farms use copper and zinc  
14 products both and foot baths and sprays or salves.  
15 Without these products, heel warts and hoof rot  
16 would rapidly become the top animal health and  
17 welfare concern in any farms. While some  
18 conventional farmers use antibiotics or dangerous  
19 products like formaldehyde, most conventional and  
20 all organic farmers use safer copper and zinc  
21 products treatment for cow's feet. Most effective

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1 salves and sprays contains zinc sulfate, zinc  
2 oxide, and/or zinc chloride. For some reason,  
3 zinc sulfate was not allowed for a few years, which  
4 is part of why I'm here, I don't want copper sulfate  
5 to go by that road. And foot problems are painful  
6 and animal welfare suffered on our farm because  
7 there was some products we were using but we're  
8 not allowed to use anymore. Most everyone would  
9 also agree that the best hoof programs alternate  
10 products and active ingredients. For example, our  
11 hoof trimmer advised us to use a product called  
12 PINXAV, it's actually a baby diaper rash ointment.

13 We use it on her own children, even as infants.

14 I submitted it for review and all the ingredients  
15 are acceptable except for the active ingredient  
16 which is zinc oxidize. Most good hoof healthcare  
17 options are not allowed because zinc oxide, zinc  
18 chloride, or zinc oxide origin are their active  
19 ingredient. This is very confusing due to the fact  
20 the zinc oxide and zinc chloride are an acceptable  
21 organic feed ingredient. If I can feed these

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1 products. Confusing, why can't my cow step in it?

2 Copper sulfate is good and is most commonly used  
3 as a foot bath ingredient. Most organic farmers  
4 use this in foot baths as stated earlier, because  
5 the zinc options are not allowed and it is important  
6 that we still have this, however, we don't feel  
7 copper is as effective as zinc products when  
8 sprayed or wrapped on feet. And also when using  
9 only copper, it can build up in the soil and can  
10 cause copper toxicity. On the other hand, zinc  
11 is always deficient and beneficial in our soils  
12 and the cropper removal rates are much higher.  
13 And I've never heard of zinc being a problem in  
14 as far as in the soil. So from my perspective,  
15 I think it'd be very beneficial if we can have zinc  
16 oxide and zinc chloride as well as copper and zinc  
17 sulfate and they are acceptable for feed, it seems  
18 like they should be okay for feet.

19 CHAIR POWELL-PALM: Thank you for your  
20 comments. We don't get -- we haven't heard much  
21 about livestock. So this is great. Kayla, please

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1 go ahead.

2 MEMBER SMITH: I don't have a question,  
3 Nate. Don't chastise me. I have a comment.

4 CHAIR POWELL-PALM: Again?

5 MEMBER SMITH: So zinc sulfate was in  
6 the same place before this copper sulfate being  
7 allowed and the zinc sulfate not being allowed.  
8 And so it was petitioned. So anybody out there  
9 listening who is wanting to petition those, that's  
10 how we got them onto the list. So that could be  
11 submitted as a petition to the Board and we will  
12 go through a rigorous review process and we will  
13 vote them on or off so that let's someone to try  
14 to get them petitioned on. But zinc sulfate was  
15 in the very same space before where there were  
16 certifiers who were allowing it based, again about  
17 being able to feed it to animals, it's a helpful  
18 mineral. And so we were like because see that to  
19 animals, it should be allowed as a topical and  
20 several certifiers got in trouble for that. So  
21 hence, the petition process and now it's on the

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1 list.

2 CHAIR POWELL-PALM: So there is the  
3 path forward. All hope is not lost. So yes, the  
4 team at Organic Valley can probably be a really  
5 great resource to write up a petition for us as  
6 well. So thank you so much for your comments  
7 today. Really appreciate your time. All right.

8 Moving along. We next have Alan Lewis, followed  
9 by David Meyer, and then Jackie DeMinter.

10 MR. LEWIS: Nate, the moment you said  
11 that I lost video so I'm going to continue with  
12 audio only; is that okay?

13 CHAIR POWELL-PALM: That's just fine,  
14 thank you.

15 MR. LEWIS: Sorry about that.

16 CHAIR POWELL-PALM: No worries.

17

18 MR. LEWIS: Alan Lewis from Natural  
19 Grocers and I have some comments from 36,000 feet.

20 I spent a good part of last year working with IFOAM  
21 -- Organics International under the Organic 3.0

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1 rubric, with the leadership from five different  
2 continents in some very complicated midnight  
3 conference calls. But it really is highlighted  
4 the difference between U.S. framework for organics  
5 versus the global organic movement, which is so  
6 focused on community and equity and sovereignty  
7 and security as the long-term values. And I just  
8 want to drive this point home when we look at  
9 hydroponics in the U.S. I remember speakers  
10 talking about the four trophic levels of  
11 hydroponic, and how that qualified as a active  
12 biological system. But really it's for  
13 catastrophic levels of hydroponic because we have  
14 270 berry operations in containers in Mexico, 75  
15 tomato operations of Mexico. And these cover  
16 miles of land with hoop houses. It's not  
17 well-paid, humane, fair, just labor. There's no  
18 sanitation. They're using water that there is not  
19 enough of. And they're returning it polluted to  
20 the landscape. Those trophic levels, but there's  
21 nothing for us to brag about. And that is

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1 primarily CCOF Primus in berries, CCOF Primus tilt  
2 and tomatoes. So why does that matter to us? It's  
3 just Mexico. But we're losing small holder  
4 organic farmers in the U.S. because the price  
5 premium is disappeared. It's now a disadvantage  
6 to be an organic berry or tomato grower because  
7 you will see side-by-side an identical product for  
8 \$1 less per pint, \$2 less per pint on the shelf.  
9 So retailers like Natural Grocers can't sell real  
10 berries because our competitor next store is  
11 selling the hydroponics. This is broken our  
12 system. And IFOAM International looks at the U.S.  
13 as a cautionary tale, not as a leader and not as  
14 a partner in many ways. It's very much a  
15 cautionary tale. Lastly, now we're moving in a  
16 synthetic biology. You've heard the buzzwords:  
17 tools in the toolbox, science-based policy, yada,  
18 yada, yada, gene-edited seeds, seed coatings, RNA  
19 applications. Those are all science and we can  
20 do science state policy around them, but we can't  
21 do science without ethics. And look at

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1 hydroponics as a broken system of ethics for what  
2 we've done to ourselves by not really addressing  
3 the consequences. The concentrations of wealth,  
4 ownership, and control in just that sector have  
5 overwhelmed us. And that is my comment. Thank  
6 you, Nate.

7 CHAIR POWELL-PALM: Thank you so much,  
8 Alan. Any questions from the Board? Hearing  
9 that, I'll just pose, right at the end there, Alan,  
10 concentration in ownership of means of production  
11 for agriculture. I had mentioned yesterday that  
12 it's actually quite tricky and a lot of my world,  
13 a lot of rural America to find organic products.

14 I believe you had said, Go to your local co-op  
15 or your Natural Grocers. Those only exist in the  
16 biggest cities, at least in Montana. So where --  
17 how do we get to this point where honestly gas  
18 stations are carrying organic. How do we make it  
19 so that where people buy food is where organic is  
20 available? How do we grow this so that it's not  
21 niche, it's not only in our biggest cities that

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1 we can find organic, but it becomes the norm? What  
2 do we need to do?

3 MR. LEWIS: Well, we made a deal for  
4 the devil to get non-seasonal production down in  
5 Mexico and other places to get a year round supply  
6 that's cheap and that's pushed into the  
7 distribution system like McLane or Shamrock or U.S.  
8 Foods that's going into convenience stores and  
9 small groceries. So the cost of that is we no  
10 longer have local food systems. So that grocery  
11 store is only buying from a distributor who's  
12 sourcing globally. And at the same time, even if  
13 that grocery store manager runs a farm and he wants  
14 to grow berries, he has no or she has no ability  
15 to sell those berries at the store. We've broken  
16 that system from logistics, to local health  
17 ordinances, to consumer acceptance of local goods.  
18 That's the right question, but we really need to  
19 look away from the U.S. to answer that question  
20 for how to move forward, or I would say look to  
21 the Real Organic Project, who does bring ethics

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1 into science-based policy, and does embed culture  
2 and agriculture into communities, as opposed to  
3 just thinking of it as a commodity with a specific  
4 set of characteristics.

5 CHAIR POWELL-PALM: Thank you for your  
6 comments today. Really appreciate your time.  
7 Next up, we have David Meyer followed by Jackie  
8 DeMinter, and then we'll all take a well needed  
9 break. So please, David, go ahead.

10 MR. MEYER: Hello, everyone. And  
11 thank you for your time. As a former farm kid,  
12 I want to just say thanks for all the Board members.  
13 I grew up on a small farm in Central Wisconsin,  
14 I really appreciate and I understand how much time  
15 and effort it takes to serve on the Board and this  
16 is a very important topic. I'm going to talk about  
17 pectin, so change up a little bit here. We're  
18 going to talk about food ingredients and  
19 specifically about pectin, non-emanated forms of  
20 pectin. On the national list of non-organically  
21 produced agricultural products allowed as

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1 ingredients in or on process products labeled as  
2 organic.

3 Next slide, please. Pectin is used in  
4 variety of food applications. It's found in  
5 almost all plant material. However, it has a  
6 really unique functionality that we use for  
7 particular products. Jams and jellies is the top  
8 one. Pectin is the only ingredient that's allowed  
9 in standard of identity products that can be sold  
10 as organic, and it provides that unique, spreadable  
11 texture that we're used to. It's also used in  
12 bakery, breads, cakes, muffin. It enhances the  
13 freeze possibility that increases volume in those  
14 products, it's very important. In bakery and  
15 fruit yogurt preparations, this is an alternative  
16 to starch. It creates texture and it allows baked  
17 stability so you can bake those without having it  
18 fall all over or leak out into the oven. It  
19 delivers better fruit flavors compared to starch.  
20 We use it in yogurt white mass as well to create  
21 body and mouth feel. It's using a variety of

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1 beverages from fruit juices to coffee beverages.

2 It protects proteins from having aggravation as  
3 their process. And then of course, confectionary  
4 too. We all love gummy products and pectin can  
5 be used there as well.

6 Next slide, please. So pectin is very  
7 unique, in the gel texture it provides, the protein  
8 stabilization it provides, the mouth feel in  
9 beverages, and the accessibility. You can see  
10 some of the other hydrocolloid alternatives that  
11 we have, carrageenan, locust bean gum, guar, among  
12 others, none of them create exactly the same  
13 attributes that we see in pectin.

14 So I just want to go ahead one more slide  
15 and I'm going to answer this. The availability  
16 of organic pectin. So organic fruit we see all  
17 over, right? But the vast majority of organic  
18 fruit is sold as whole fresh fruit. And therefore,  
19 there is neither the quantity nor the quality of  
20 organic peel available to produce organic pectin  
21 commercially. And that's why we need to have it

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1 on this list. Thank you very much for your time.

2 I appreciate it and I'd be happy to answer any  
3 questions.

4 CHAIR POWELL-PALM: Thank you for such  
5 a clear presentation. I believe, Brian, did you  
6 have a question? I saw your hand go up for a sec.

7 MEMBER CALDWELL: I did. It's about  
8 organic availability and I guess I would like to  
9 ask David. Thanks for your comments. And are  
10 there other sources besides citrus peels for pectin  
11 like, I don't know. Well, anyways, are there other  
12 ones and maybe could be supplied organically, I'm  
13 wondering.

14 MR. MEYER: There are other sources.  
15 I mean, apple would be the other major source that  
16 we would see. However, the apple organic market  
17 also is sold primarily fresh as whole apples. So  
18 anytime it goes to the consumer in a whole fresh  
19 fruit option, then we don't have the opportunity  
20 to get the pectin out of that. So that is also  
21 problematic. There's pectin in sugar beets also,

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1 but it creates some problems in that different  
2 pectins act differently. So citrus fruit is the  
3 best choice as far as creating a strong gel for  
4 the jams and jellies that we're looking for. And  
5 that's why it's used. You know, there are some  
6 other sources but different pectins definitely  
7 react very differently. And at this point, there  
8 just aren't enough, you know, organic sources of  
9 any of those others to use.

10 MEMBER CALDWELL: Thanks a lot.

11 CHAIR POWELL-PALM: Thank you for your  
12 comments today. Appreciate it. All right. Next  
13 up -- Dilip, go ahead. I'm sorry.

14 MEMBER NANDWANI: Sorry, I took a  
15 second to raise my hand.

16 CHAIR POWELL-PALM: Not a problem.

17 MEMBER NANDWANI: You know, the pectin  
18 we probably all know that it's a cementing material  
19 between the cell wall -- probably, I mean, I see  
20 you're nodding and I think we all know that. So  
21 organic sources are limited and I'm just wondering

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1 that, what can you tell us a little bit about its  
2 manufacturing or the processing from the fruit such  
3 as you mentioned oranges or can you just quickly  
4 tell us a little about that? Thanks.

5 MR. MEYER: About how it's  
6 manufactured? Is that what you're --

7 MEMBER NANDWANI: That's right. How  
8 do you --

9 MR. MEYER: Yes. So I'll just give you  
10 a citrus example because that's primarily where  
11 we get most of our pectin. So the citrus fruit  
12 industry, they harvest the oranges, or limes, or  
13 lemons. The first thing they do is juice them.  
14 So they take that juice, and that juice is  
15 concentrated, used for fruit juices, those things.  
16 The next thing they would do is take out the oil.  
17 So citrus oil can be used for a lot of different  
18 things. The primary use in the U.S. is for like  
19 sodas, right? So they extract that as well.  
20 Next, we have -- you would take that and then that's  
21 where -- so you have, what's left is cellulose,

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1 hemicellulose, and pectin. And then we would  
2 extract that pectin out of that matrix of cellulose  
3 and hemicellulose using a low acid and heat  
4 extraction, okay? So that's how we would get it  
5 out and then it's dried down from there and sold  
6 as pectin.

7 MEMBER NANDWANI: Thank you for that  
8 information. I appreciate that.

9 CHAIR POWELL-PALM: Yes. Thank you,  
10 David. Next up, we've got a Jackie DeMinter and  
11 then we'll break. After the break, we have Mike  
12 Dill, Adam Lazar, and then Michael Hansen. So  
13 Jackie, the floor is yours.

14

15

16 MS. DEMINTER: Good afternoon. My  
17 name is Jackie DeMinter. I am the certification  
18 policy manager at MOSA. Thank you for your work  
19 and for providing this meeting in a virtual format.

20 We certify over 2,000 organic operations  
21 throughout the U.S., including over 1,750 with

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1 crops, 730 with livestock, and 325 handlers. I'll  
2 summarize our written comments on sunset materials  
3 and highly soluble nitrogen fertilizers. I'll  
4 highlight just a few sunset materials. Livestock  
5 materials, glucose containing products are  
6 typically used as an electrolyte in our experience,  
7 we have almost 20 inputs containing copper sulfate  
8 used by approximately 115 clients. Lidocaine is  
9 one of the most common pain relievers in use by  
10 more than 100 clients primarily for dehorning, crop  
11 materials, biodegradable, bio-based mulch film.

12 We are not aware of any 100 percent bio-based,  
13 biodegradable mulch film. Due to this, no  
14 products are in use by most clients, however, more  
15 than 210 MOSA certified operations are using a  
16 synthetic plastic mulch. We encourage review of  
17 products available on the current market to ensure  
18 potential for compliance with all four review  
19 criteria and if none are available, sunsetting the  
20 listing. Humates, humic acids, and fulvic acid  
21 are very common ingredients in crop products; 94

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1 inputs of humates as the ingredient are in use by  
2 hundreds of MOSA clients. Almost 60 inputs  
3 contain humic acids, approximately 45 inputs  
4 contained fulvic acid. Fulvic acid review  
5 criteria differs than that only non-synthetic  
6 acids or water are allowed as extractants, as for  
7 humic acid, alkaline extracts are also acceptable.

8 Micronutrient use is very common. More than 200  
9 micronutrient inputs are in use by hundreds MOSA  
10 clients. Of the handling materials, diatomaceous  
11 earth, nitrogen, carbon dioxide, sodium  
12 phosphates, casings, and pectin are the most common  
13 materials MOSA clients use. Finally, regarding  
14 highly soluble nitrogen fertilizers. We  
15 appreciate the NOSB working to solve concerns  
16 before they may develop. However, in our work we  
17 have not experienced sodium nitrate being used in  
18 a manner that is concerning nor do we have any  
19 clients using a natural ammonia extract product.

20 From our perspective, it looks like the proposal  
21 will impact guano and sodium nitrate in use by MOSA

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1 certified clients and would create additional  
2 steps in our review work but not change the inputs  
3 MOSA clients use. Ultimately, we want to maintain  
4 our ability to discern when organic integrity is  
5 negatively impacted or threatened by the use of  
6 these materials without any additional unnecessary  
7 review work. In closing, thank you for the long  
8 hours you commit to this work and thank you for  
9 the opportunity to comment.

10 CHAIR POWELL-PALM: And thank you for  
11 your time preparing those comments today. Any  
12 questions for Jackie from the Board? I have one  
13 for you, Jackie. I have two actually and I realize  
14 we're about to break, so pressure's on.

15 MS. DEMINTER: Okay.

16 CHAIR POWELL-PALM: How do we get --  
17 what is it that's holding us back from MOSA  
18 realizing 4,000 clients instead of the current  
19 2,000? What is it that will allow us to make it  
20 so that organic is such an obvious route?

21 MS. DEMINTER: Boy, that's a tough one

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1 to answer, Nate. Capacity comes to mind right  
2 away. As far as, you know, expanding the capacity  
3 to do the work, the boots on the ground, the  
4 inspectors, the reviewers, the career path for  
5 individuals that could stand from development  
6 work.

7 CHAIR POWELL-PALM: Okay, So human  
8 capital; we are on that. Absolutely. Could you  
9 clarify just a little bit? In there you were  
10 saying that you appreciate the opportunity to  
11 monitor organic integrity for highly soluble  
12 nitrogen products but don't want additional undue  
13 review work. What review work do you do now for  
14 sodium nitrate? And is there a way to make it  
15 fairly easy to analyze?

16 MS. DEMINTER: Well, I don't know the  
17 answer to that second, and I don't know of how easy  
18 to analyze necessarily. In our experience, and  
19 I detailed this in the written comments, the inputs  
20 that we see and used by our clients, not speaking  
21 for all areas of the United States by any means

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1 are not of concern because the sodium nitrate is  
2 usually an ingredient in a multi-ingredient  
3 product in a vast amount of inputs in use by  
4 clients. So we can look at the file, look at their  
5 input inventory, and see that they're not abusing  
6 the use of this input. As far as work is that we  
7 do right now, since we do not have the 20 percent  
8 restriction effective anymore. We don't actually  
9 measure that or do the math, but we used to do that.

10 And in every case we never once discovered that  
11 it was in use in amount greater than 20 percent,  
12 even though we put the numbers on the paper, and  
13 did that work. We just -- in our experience, don't  
14 have the concern for abuse or overuse of a highly  
15 soluble nitrogen fertilizer by our clients. There  
16 are a couple of clients who use like a 16-0-0  
17 product. But again, it's one of many, many  
18 products, and they're using it in extreme times  
19 or when soil temperatures aren't warm enough or  
20 things like that as we've heard other commenters  
21 saying.

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1 CHAIR POWELL-PALM: All right. I  
2 appreciate that. Okay. Thank you so much for  
3 your comments today.

4 MS. DEMINTER: Yes, thank you.

5 CHAIR POWELL-PALM: So it is just  
6 almost to the top of the hour, so let's come back  
7 in 15 minutes. And after our break, we're going  
8 to start with Mike Dill, followed by Adam Lazar,  
9 and then Michael Hansen. And so come back at 12  
10 after the hour. All right. Thanks, everybody.  
11 See you in a bit.

12 MS. ARSENAULT: Thanks, Nate.

13 (Whereupon, the above-entitled matter  
14 went off the record at 1:57 p.m. and resumed at  
15 2:12 p.m.)

16 CHAIR POWELL-PALM: And we're back, 12  
17 after the hour. Hope everyone was able to grab  
18 a snack and get ready for some more input from the  
19 community. All right. So first up, we've got  
20 Mike Dill, followed by Adam Lazar and then Michael  
21 Hansen. All right. Floor is yours, Mike.

22

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1                   MR. DILL: All right. Thank you.  
2                   Good afternoon, everyone or good morning. My name  
3                   is Mike Dill and I'm representing the Organic  
4                   Produce Wholesalers Coalition. The OPWC is  
5                   comprised of seven businesses that distribute  
6                   fresh organic produce to customer located across  
7                   the United States and internationally. I'll be  
8                   commenting on technical support for NOSB and  
9                   modernization of supply chain traceability. On  
10                  technical support, OPWC recognizes both the work  
11                  load and lack of compensation limit the pool of  
12                  people who are able to serve as volunteer members  
13                  of the NOSB. And we support the NOSB receiving  
14                  more technical help. That said, the work of any  
15                  technical supporter should be subject to conflict  
16                  of interest declarations and confidentiality  
17                  agreements. We feel there are some types of  
18                  technical support that are not appropriate to  
19                  support the NOSB, and those include but are not  
20                  limited to serving as the primary author of an NOSB  
21                  or subcommittee document, initiating polls of

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1 stakeholder groups, input into the subcommittee  
2 or board decision-making process, and  
3 communications on behalf of the NOSB or  
4 subcommittee.

5           Related to modernization of supply  
6 chain trace ability. We again greatly appreciate  
7 the CCS's focus on traceability in fraud  
8 prevention. We support the standardization BOLs,  
9 but strongly oppose the requirement to list acreage  
10 on certificates for produce operations. In the  
11 fall 2021 proposal on this topic, the subcommittee  
12 stated this, the NOSB recognizes the need to not  
13 burden organic farmers, certifiers, or inspectors  
14 with additional paperwork. OPWC asserts that this  
15 proposal would result in heavy paperwork burden  
16 for specialty crop growers and buyers. Requiring  
17 acreage on certificates, especially by crop, would  
18 lead to more unnecessary non-compliances for  
19 certified operations, that failed to disclose  
20 every change in planting quantities. A compliance  
21 issue that is not related to organic integrity.

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1       This in turn would disrupt and slow down product  
2 movement through the supply chain.  Additionally,  
3 it would shift the focus of inspections even  
4 further toward paperwork rather than on practices  
5 and organic controls.  We provide more detail  
6 about this burden in our written comments and I  
7 encourage you to consider them when finding future  
8 work on this topic.

9               I'd like to use the rest of my time to  
10 again bring forward OPWC's suggestions for  
11 building out handling standards at 205-270.  We  
12 acknowledge that there are many competing  
13 priorities at this time, however we feel that the  
14 concept should be high on the list as it would  
15 positively impact every certified operation, as  
16 well as provide a guide for the currently  
17 uncertified handlers that SOE will require become  
18 certified for the first time.  We also note that  
19 there are elements of handling and at least 10 to  
20 the 23 backlogged NOSB standard recommendations.  
21       Creating distinct handling standards offers an

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1 efficient way to address these points  
2 systematically while clearing the backlog.  
3 Comprehensive handling standards will benefit  
4 certified operations, inspectors, and certifiers  
5 by clarifying record keeping requirements related  
6 to handling activities, as well as organic controls  
7 between harvest and processing or distribution.  
8 Standards also provide the basis for holding  
9 certified operations accountable for all their  
10 handling activities. It is our hope that the CACS  
11 will assess our proposed handling standards and  
12 consider them for future work agenda item. Thank  
13 you.

14 CHAIR POWELL-PALM: Thank you so much  
15 for your comments, Mike. Jerry has a question.

16 MEMBER D'AMORE: Yes, sir. Mike,  
17 thank you very much for the comments today and an  
18 extra shout out for your team and the written  
19 responses that you gave to the NOSB technical  
20 support discussion document. Your answer those  
21 questions that we had in there doesn't even need

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1 review, there were so thorough. But I'd like to  
2 focus on a sentence that you had in the preamble  
3 or the opening paragraph and maybe my question  
4 doesn't have an answer because maybe there was this  
5 one sentence is so self-understood that there's  
6 not much expounding that you can do about it or  
7 on it. In there you write, or one has written,  
8 we recognize that both the workload and the lack  
9 of compensation limit the pool of people who are  
10 able to accept nomination for the NOSBC. Now  
11 again, that's in my mind, I just -- a true and  
12 obvious statement. But as you wrote that, was  
13 there a path that you took, you know, a analysis  
14 that you made? Is there more meat that you can  
15 put on that particular subject?

16 MR. DILL: I really wish we could. I  
17 think it's one of those things that we all as a  
18 community understand is an deterrence from being  
19 on the Board. And I know there's limitations to,  
20 you're prohibited from compensating folks, but  
21 maybe there's other ways around it. We haven't

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1 put that at top of our agenda to really, you know,  
2 assess alternatives. You know, there likely are,  
3 maybe there's ways that we could I'm just throwing  
4 something out theoretically, but maybe someone  
5 that's a crop grower and that they get free  
6 certification if they are on the NOSB or, you know,  
7 maybe we can get creative with it. But really we  
8 just, you know, we feel it's unfortunate that the  
9 workload is so heavy and it requires so much time  
10 in that it does require kind of a sponsor, you know,  
11 in organization like ourselves, you know, we could  
12 absorb the cost to have someone sit on the NOSB,  
13 but a small farmer, you know, definitely can't.

14 There's too many competing priorities. So I  
15 just, I think it's fair to acknowledge that and  
16 we state it here as a way to say that we definitely  
17 support NOSB members having some sort of support  
18 system that might help reduce that workload so that  
19 it can be more manageable.

20 MEMBER D'AMORE: Well, you did a  
21 wonderful job with, perhaps an awkward question

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1 that was so open-ended. This is, I've been going  
2 into my third year on the Board and every single  
3 session that I participated in, our whole  
4 self-evaluation of diversity, inclusion, equity.

5 You know, we're pretty hard on ourselves there  
6 and then the community rightfully so, is was pretty  
7 hard on us as well. And I found that one sentence  
8 to be extremely meaningful and you filled in some  
9 blanks there, but extremely meaningful in terms  
10 of our future capability, should we get something  
11 like put together to address exactly that issue.

12 So I see a lot of the document and I can't thank  
13 you folks enough for being so diligent in all that  
14 you've done with it. I will share with you that  
15 today --

16 CHAIR POWELL-PALM: I'd like to  
17 quietly cut you off, Jerry. Only for time.

18 MEMBER D'AMORE: One time. Okay.

19 CHAIR POWELL-PALM: Go ahead, go  
20 ahead.

21 MEMBER D'AMORE: No, I just wanted to

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1 comment to Mike that universally, there's nobody  
2 in opposition to this, but there's a thousand  
3 different ways and suggestions of getting it done.

4 And that makes it challenging. And when people  
5 are willing to put so much thought into it, it's  
6 very helpful. Thank you very much.

7 MR. DILL: And we thank you for your  
8 time and dedication.

9 CHAIR POWELL-PALM: Kyla has a  
10 question.

11 MEMBER SMITH: Hello, thanks for your  
12 comments. I was wondering in regards to the  
13 revision to the handling standards if you felt --  
14 if this were to become a work agenda item. If you  
15 felt it was important to have SOE across the finish  
16 line first or if work could be done prior to seeing  
17 the finalized form of that rule?

18

19 MR. DILL: That is a great question and  
20 one that we have been, you know, kind of grappling  
21 with a little bit. It's like, how hard do we push

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1 for this without knowing what SOE is going to look  
2 like exactly. As you know, that's where, you know,  
3 handling standard concept originated is to our  
4 response to SOE. And I think we all just want to  
5 see what that looks like. So I think right now  
6 is a good time to assess it as a future work plan.  
7 And, you know, I think myself and the rest of the  
8 community, has our fingers crossed that we'll see  
9 SOE pretty soon. But I -- we just feel that it's  
10 so important to get clarity around this, and  
11 really, you know, move forward. I don't  
12 personally think that SOE is going to have a lot  
13 of the elements in it that we are asking for. And  
14 I think a good example is like sanitation. We  
15 talked so much about sanitizers on the list and  
16 that's really all the -- the only place they appear.  
17 And then in the standards it's preventing  
18 commingling and contamination. But wouldn't it  
19 be great to have a set of standards or a portion  
20 that talked about what is required for sanitation,  
21 intervening steps. And you know, just ways that

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1 limit the -- eliminate the need for, you know,  
2 certifier interpretation or review of like a SOP  
3 for each, you know? Because what we're doing right  
4 now is we submit an SOP and the certifier says yes,  
5 that looks good or it doesn't based on your  
6 preventing contamination, but we don't know what  
7 that really looks like. So and then as it relates  
8 to the backlog of, you know, NOP standard  
9 recommendations, I feel that maybe it's a good idea  
10 to try to implement handling standards at the same  
11 time or even before doing that so that we don't  
12 have to, you know, consider handling portions of  
13 each one of those you know, standards as we work  
14 through those.

15 CHAIR POWELL-PALM: Thank you for your  
16 comments, Mike. All right. Next up, we've got  
17 Adam Lazar, followed by Michael Hansen, and then  
18 RedElisa Mendoza, I don't think we're seeing you  
19 yet. And Carol Walker, if you can make yourself  
20 known. That'd be great. Okay. Adam, please go  
21 ahead.

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1                   MR. LAZAR: Thank you very much for  
2                   having me, everybody. My name is Adam Lazar. I'm  
3                   the founder and CEO of Asarasi. We're a plant  
4                   source water company. And I'm going to show with  
5                   you for a few minutes just how we can advance 20,000  
6                   North American farmers becoming organic certified  
7                   and changing the face of the organic industry by  
8                   talking about something really simple called  
9                   water.

10                   Next slide, please. Now, we know water  
11                   is an enormous global issue that affects farmers  
12                   and everyone right here at home from consumers and  
13                   households alike and with stage 2 tear water  
14                   restrictions in the U.S. on the Colorado River.  
15                   There's never been a better time to find  
16                   alternative sources of pure water.

17                   Next slide, please. I discovered a  
18                   byproduct of the maple industry, which is a sugar  
19                   free maple sap, which was elementally pure water  
20                   about ten years ago and I started leveraging this  
21                   water to bring this into the bottled water

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1 industry. And today we are the only certified  
2 organic plant source of pure water in the world  
3 through NOFA and Baystate Organics. And we're  
4 accelerating our growth by delivering our products  
5 all over the world as a trustworthy source  
6 alternative for water.

7 Next slide, please. Now, farmers  
8 harvest their maple crop by tapping maple trees  
9 and we all know this tradition goes back hundreds  
10 of years. They now are processing their maple sap  
11 with reverse osmosis and taking the sugar molecule  
12 out of the sap. And for every gallon of maple sugar  
13 that they concentrate by this by this process, they  
14 consolidate about 49 gallons of a pure water  
15 byproduct that they throw away. And this is where  
16 we come in and buy this byproduct from these family  
17 farms, advocating on their behalf to make double  
18 their income on their existing maple crop with very  
19 little extra labor.

20 Next slide, please. So from a purely  
21 analysis perspective, all water that comes from

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1 a municipal spring, lake, aquifer, any sort of  
2 supply is highly chlorinated, highly fluoridated,  
3 highly contaminated, polyfill alkalines, uranium  
4 and radium-226. And there's no end in sight for  
5 the contamination. And this water is exempt as  
6 an ingredient in the Organic Program today and  
7 being used in all organic food and beverage  
8 products.

9 Next slide, please. So with 1 billion  
10 gallons of available tree water, we represent over  
11 a 110 family farms to date, organic certified  
12 farms, that double their money on their net income  
13 by just simply selling us these pure water by  
14 products. And this is a huge advantage for the  
15 industry, as well as the organic certification  
16 community.

17 Next slide, please. This can scale to  
18 over a trillion gallons domestically alone. And  
19 with 20,000 U.S. and Canadian maple farms  
20 processing these products, this is a huge economic  
21 win for the farms and a huge environmental win for

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1 the groundwater supply. Next slide, please. We  
2 make lots of different products from probiotics  
3 seltzers, hard seltzers, sodas, teas for Walmart,  
4 Costco, and the like. And it's amazing the impact  
5 in the reception we've gotten from consumers with  
6 our products. Next slide, please. We've even  
7 used it to make beer with Anheuser-Busch, zero  
8 groundwater beer, plant source organic beer.  
9 Imagine that.

10 Next slide, please. So the problem is  
11 today water is the number one exempt ingredient  
12 in the NOP by volume estimated. And many products  
13 are made from chlorinated PFSA contaminated  
14 purified sources. And this exemption  
15 disadvantage is 20,000 North American farmers.  
16 All these products you see here are organic  
17 certified and 99 percent of their product does not  
18 even organic.

19 Next slide, please. And I'll wrap up  
20 with this. So I'm asking you to remove the  
21 ingredient exemption for water, allow the product

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1 formulations to be enhanced. The purity claims  
2 for water-based organic products accelerates  
3 thousands of North American farms are advantaged.  
4 Consumer confidence and authenticity is  
5 increased. Manufacturers realized authentic  
6 claims. Groundwater is saved and you-all meet the  
7 sustainable development goals you're after and  
8 make the world a better place. So thank you for  
9 allowing me the time to share this really  
10 interesting and highly sensitive topic with you.

11 And I welcome, I'm sure that myriad of questions  
12 you were have. Thank you.

13 CHAIR POWELL-PALM: Thank you for your  
14 comments. Any questions from the Board? See  
15 none. We appreciate your time -- oh, Amy, go  
16 ahead.

17 MEMBER BRUCH: Adam, I just was going  
18 to say thank you for bringing this to our attention.

19 I really appreciate it. Really interesting.

20 MR. LAZAR: Thank you very much.

21 CHAIR POWELL-PALM: All right. Thank

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1 you, Adam. Appreciate your time today. Next up  
2 is Michael Hansen, and then RedElisa Mendoza, and  
3 Carol Walker. So please go ahead, Michael.

4 MR. HANSEN: Yes. Can you hear me?

5 CHAIR POWELL-PALM: We can.  
6  
7

8 MR. HANSEN: Yes, you can. All right.

9 So my name is Michael Hansen, I'm a senior  
10 scientist at Consumer Reports, which is an  
11 independent non-profit, nonpartisan organization  
12 that works with consumers to create a fair and just  
13 marketplace. We have over six million members.

14 My comments today are going to focus on the  
15 materials some committees excluded methods and  
16 proposal. We have been supportive of the excluded  
17 -- of the subcommittees excluded methods work which  
18 has spanned almost a decade. And we have supported  
19 all the proposals that the board has unanimously  
20 passed to date. We strongly support the present  
21 recommendation, and that's where the -- that

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1 recommendation is for the NOP to develop a formal  
2 guidance document to include the definitions,  
3 criteria, and excluded methods tables that have  
4 been developed by previous board proposals. And  
5 we also agree with the addition and the definition  
6 for both self fusion and protoplast fusion that  
7 are in that proposal. But there's one small change  
8 that needs to be made to the definition, and that's  
9 where they refer to techniques utilizing  
10 recombinant DNA .That's old terminology from about  
11 20 years ago when basically what they were doing  
12 was moving DNA between organisms. But we now know  
13 that you can actually not only manipulate DNA, you  
14 can manipulate RNA as well. And so, rather than  
15 just use the term, Recombinant DNA technologies,  
16 the proper terminology should be, In vitro nucleic  
17 acid technologies. So in the definitions where  
18 it says, Techniques of recombinant DNA, those  
19 should be changed to, In vitro nucleic acid  
20 technologies, because it has, as I said, I would  
21 point out that with gene editing, for example, for

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1 CRISPR, which we're actually engineering is  
2 messenger RNA, right? That there's a guide RNA.

3 And I would also point out that in the future,  
4 they're probably going to be engineering of  
5 ribosomal RNAs and probably transfer RNAs. And  
6 so that's why we think it's important that you  
7 change the definition. And that makes it more  
8 comprehensive and it also is the definition used  
9 by Codex Alimentarius, which is a global network.

10 And I would just point out that the Codex  
11 guidelines prevent food production, processing,  
12 marketing, and labeling of organically produced  
13 foods used this language, so it would be good.  
14 And then finally, we also support the change in  
15 the current regulation 7 CFR 205.2: Terms defined,  
16 so that the definitions of excluded methods and  
17 everything in the NOSB proposal has -- should be  
18 added to regulatory language, so that can be used  
19 at a future as a regulatory framework for the class  
20 of excluded methods, because these technologies  
21 will continue to evolve. And as I said, one day

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1 they're probably start engineering RNAs and  
2 transfer RNAs. Thank you.

3 CHAIR POWELL-PALM: Thank you so much  
4 comments. We have a question from Dilip.

5 MEMBER NANDWANI: Again, this is not  
6 a question, just a comment and echo. This is very  
7 well presented, Michael. Really appreciate your  
8 thoughts and I agree with your comment that RNA  
9 and DNA they are absolutely nucleic acids and  
10 that's a very valid point. Thank you for your  
11 comments, again.

12 MR. HANSEN: Yes. I'd just like to  
13 quickly say that we saw this was happening, and  
14 so that's why I was on the delegation. We made  
15 sure that this definition got accepted globally  
16 at Codex because we saw that this was going to  
17 happen that one day, they would engineer these  
18 other things. So thank you.

19 CHAIR POWELL-PALM: Brian, please go  
20 ahead.

21 MEMBER CALDWELL: Thanks, Michael for

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1 all your work on this amazingly complicated topic.

2 I'm just looking to the future. And usually if  
3 you have any ideas about how we can enforce and  
4 monitor new varieties that may come about using  
5 some of the genetic editing techniques that maybe  
6 are not, you know, it's not on the label, it's not  
7 necessarily disclosed in the variety description  
8 or any other place. Or maybe I'm wrong. Maybe  
9 that's not going to be the case, but I'm just  
10 curious what your thoughts are on that.

11 MR. HANSEN: While the -- this is  
12 instead of whether you can detect the changes and  
13 I'll say yes, if you have the before and after,  
14 you can absolutely detect those changes because  
15 even when they use gene editing like CRISPR, it  
16 doesn't make just that one edit, it makes all these  
17 other edits which actually can be detected, because  
18 it should be pointed out, people that are  
19 developing these technologies they need a way to  
20 detect it as well, so that they can stop others  
21 from quote, infringing on your intellectual

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1 property. So they try to tell you that for  
2 example, with CRISPR, there's no way to detect it.

3 That's just not true. If we have the before and  
4 after, it can absolutely be detected. And the  
5 companies that are developing this know this  
6 because that's why they always make sure that they  
7 can enforce their intellectual property.

8 MEMBER CALDWELL: Great, that's really  
9 good to know. Thank you.

10 CHAIR POWELL-PALM: Any other  
11 questions from the Board? All right. Thank you  
12 so much for your comments, Michael.

13 MR. HANSEN: Thank you.

14 CHAIR POWELL-PALM: I think we're  
15 going to be with RedElisa Mendoza and Carol Walker.

16 I don't think we see on, please make yourself known  
17 if you are otherwise, come back. Next up will be  
18 Doug Currier, followed by Malaika Elias, and then  
19 Heather Spalding.

20 MR. CURRIER: Good afternoon. Good  
21 morning. Wherever you are. My name is Doug

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1       Currier.    I'm the technical director at the  
2       Organic Materials Review Institute, and I'm going  
3       to talk today about the recommendation on highly  
4       soluble nitrogen fertilizers.    So my comments aim  
5       to provide examples of how the use of the term or  
6       the generic term nitrogen and the proposed  
7       standards revision could need added clarification,  
8       when assessing fertilizers that are coming right  
9       in, at that three to one, carbon to nitrogen ratio.

10       As discussed in our written comments, the term  
11       nitrogen is likely most commonly understood to mean  
12       total nitrogen.    Total nitrogen is the sum of  
13       ammonia -- organic nitrogen, such as amino acids,  
14       naturally occurring urea and proteins, nitrate and  
15       nitrite.    Of these nitrogen species, soluble  
16       inorganic nitrogen such as ammonia, nitrate and  
17       nitrite, are those for which NOSB has documented  
18       their concern.    The concern being that the use of  
19       these materials goes against the principles of  
20       organic production.    Acknowledging that Soluble  
21       inorganic nitrogen is the basis of concern, could

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1 help stakeholders understand which materials are  
2 at higher risk of violating the proposed C to N  
3 ratio. Focusing on inorganic soluble nitrogen  
4 levels can also help with dealing with materials  
5 that border at or around three to one carbon to  
6 nitrogen. Examples are included in our written  
7 comments but I'll give one now.

8 The C to N ratio of bloodmeal could  
9 border at or below three to one carbon to nitrogen  
10 based on lab reports on file and armory, when using  
11 total nitrogen as the nitrogen value. The  
12 nitrogen in bloodmeal, however, will not come  
13 anywhere near 100 percent inorganic soluble  
14 nitrogen, which suggest just using that soluble  
15 inorganic nitrogen value in the ratio is going to  
16 provide a clearer picture of the material, not a  
17 concern. Fish products and hydrolyzed soy are two  
18 other examples explored in the written comments.

19 So the need for technical support for certain  
20 buyers and growers is an important factor to ensure  
21 successful implementation of standards revision

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1 that addresses highly soluble nitrogen products.

2 While I may share concerns raised by others  
3 regarding the burden placed on certifiers,  
4 growers, material review organizations to ensure  
5 materials below three to one C to N ratio are  
6 identified, and their use restricted. We believe  
7 that with clear messaging from NOSB, which answers  
8 the why behind the standards revision  
9 recommendation, combined with effective and  
10 accessible technical support outlets, it is  
11 possible to enforce the proposed standard  
12 addressing these low C to N ratio materials. Thank  
13 you.

14 CHAIR POWELL-PALM: Thank you very  
15 much for your comments. Any questions for Doug  
16 from the Board? Amy, please go ahead.

17 MEMBER BRUCH: Sure, Doug, thank you  
18 for your time today and providing the written  
19 comments. And I appreciate your thoughts on this  
20 solubility piece versus the carbon and nitrogen  
21 ratio. I just had a question, kind of overall

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1 helpful to hear your perspective on components of  
2 a blended fertilizer. I know in previous OMRI  
3 comments you mentioned about isotope testing on  
4 finished products is hard to really deconstruct  
5 those ingredients and I know, OMRI, you guys, work  
6 on implementing the NOP guidance on liquid  
7 fertilizers for use. So you're doing increased  
8 level of inspections on those products that have  
9 a high component of nitrogen. So I just wanted  
10 you to maybe talk on that subject of the blended  
11 fertilizers.

12 MR. CURRIER: Yes. So we, in our  
13 review, we're getting the formulation statement,  
14 we're getting the materials that are used in the  
15 products identified. And within those  
16 formulation statement review, we can identify  
17 nitrogen fertilizers, and we can then look at  
18 whether or not those nitrogen fertilizers are below  
19 three to one carbon to nitrogen or below. The  
20 tricky part becomes how to convey our findings to  
21 the public. And one way we -- the main way we do

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1 that is through a restriction and we could develop  
2 a restriction that conveys, you know, what we've  
3 found to -- in our review. Meaning, we could say,  
4 you know, this product formulates with a material  
5 that is below, you know, three to one carbon to  
6 nitrogen ratio. And give some way for the  
7 end-user, whether that's the certifier or the  
8 grower to know that they have to think about the  
9 product more, the fertilizer more in regards to  
10 limiting its use. So I guess, that's one thing  
11 that comes to mind in regards to using a restriction  
12 that we can convey findings in our review and  
13 blended fertilizers are very common, and we would  
14 -- I would imagine we would be able to look at that  
15 level within the blend in order to know which are  
16 materials of concern, which are not. And then  
17 restrict.

18 MEMBER BRUCH: Thank you, Doug.  
19 Appreciate it.

20 MR. CURRIER: Sure.

21 CHAIR POWELL-PALM: Thank you for your

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1 comments, Doug. Oh, Dilip has a question.

2 MEMBER NANDWANI: Oh, very quick.  
3 Doug, I am a new member, so please bear with me  
4 if I'm just trying to understand. Can you tell  
5 us a little bit about how you enlist a new product  
6 or material in OMRI list. The reason I'm asking  
7 is let's say humic acid and folic acid, they are  
8 two example I wanted to ask you. There are tons  
9 of, you know, companies they're also making the  
10 same product, same name, they are manufacturing  
11 or processing, whatever you want to call is the  
12 same. So I'm just wondering, some humic acids are  
13 accepted and they're listed in OMRI and some they  
14 are not. So can you tell us a little bit about  
15 that. How do you make this -- you know, the  
16 distinction that this has to be listed on the  
17 national list and this, you know, we cannot accept  
18 that? Thank you in advance.

19 MR. CURRIER: Yes. So really quickly,  
20 you know, we go through a thorough review, that  
21 includes, you know, the formulation statement

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1 review, table review. We're looking at  
2 manufacturing processes, lab analysis, if needed  
3 in some cases, with humic and folic acids, you know,  
4 there's, you know, a synthetic allowance at 601  
5 for humic acid extracts. You know, we are looking  
6 at the extract in use, looking for fortification  
7 potential. And so there's a variety of ways that  
8 we could get to a recommendation to allow versus  
9 prohibit. One would end up on the public list,  
10 one wouldn't so you know, those are just some of  
11 the really basic kind of approaches that we use  
12 and could end up with a decision that seemingly  
13 is in conflict because it's, you know, seemingly  
14 the same material. But yes, something in there's  
15 going to be driving us towards a prohibited  
16 decision.

17 MEMBER NANDWANI: This comes from the  
18 NOSB Board recommendation to you also. So that  
19 also keep in consideration or you have your own  
20 methods and process as you just explained?

21 MR. CURRIER: Yes, we would certainly

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1 like to that NOSB discussion to kind of inform our  
2 thinking about, you know, our review approach.  
3 Ultimately, you know, whatever's published in the  
4 regulation is what we're basing our standards off  
5 of.

6 MEMBER NANDWANI: Thank you. This is  
7 helpful, I appreciate that.

8 MR. CURRIER: Absolutely.

9 CHAIR POWELL-PALM: Thank you again,  
10 Doug.

11 MR. CURRIER: Absolutely. Thanks.

12 CHAIR POWELL-PALM: Moving on, we'll  
13 have Malaika Elias, followed by Heather Spalding,  
14 and then Oren Holle.

15 MS. ELIAS: Can you hear me?

16 CHAIR POWELL-PALM: Yes.

17

18 MS. ELIAS: Hi. My name is Malaika  
19 Elias. I'm a food and technology campaigner,  
20 Friends of the Earth. I just want to say thank  
21 you for the opportunity to provide comment on

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1 materials subcommittee proposal on excluded  
2 methods. Friends of the Earth supports  
3 recommendations at National Organic Coalition, not  
4 seen to improve its resource, excuse me, to improve  
5 its response NOSB recommendations. In addition,  
6 Friends of the Earth would like to strongly urge  
7 the materials subcommittee to include a few more  
8 techniques to the excluded methods list. Cell  
9 fusion and protoplast fusion, and that these  
10 techniques be defined in reference to the in vitro  
11 nucleic acid techniques. We really wanted to  
12 ensure that we have an organics certification which  
13 truly addresses emerging biotechnologies and new  
14 techniques being applied to agriculture. In  
15 November of 2016 the NOSB voted unanimously to  
16 update U.S. organic standards to exclude  
17 ingredients derived from the next generation of  
18 genetic engineering and gene editing. As the NOSB  
19 has established, these new genetic engineering  
20 techniques are incompatible with organic and  
21 sustainable agriculture. Currently the list of

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1 techniques that are excluded, methods is  
2 incomplete and currently NOSB's excluded methods  
3 list makes reference to recombinant DNA  
4 technologies, and it should be updated to use in  
5 vitro nucleic acid technologies, which is  
6 consistent with NOSB's other definitions used to  
7 determine excluded methods and includes more  
8 specific techniques such as RNA and recombinant  
9 DNA. So in conclusion, Friends of the Earth  
10 supports the improvements of updates to the Organic  
11 Standards which will help preserve the integrity  
12 of organic classification. And we strongly urge  
13 the NOSB to continue to exclude new gene editing  
14 and synthetic biology techniques from organic by  
15 updating the list of excluded techniques to include  
16 the additional genetic engineering techniques.  
17 Thank you.

18 CHAIR POWELL-PALM: Thank you very  
19 much for your comments today. Any questions from  
20 the Board?

21 CHAIR POWELL-PALM: All right. Thank

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1 you so much again. Moving along, we'll next have  
2 Heather Spalding, followed by Oren Holle, and then  
3 Marie Burcham. So Heather, please go ahead.

4 MS. SPALDING: Thank you so much.  
5 Good afternoon. I'm Heather Spalding, deputy  
6 director of the Maine Organic Farmers and Gardeners  
7 Association, MOFGA. We're a broad-based  
8 community and we're working to create a food system  
9 that's healthy and fair for all. We started  
10 certifying in 1972 with 27 farms and we now certify  
11 more than 500 farms and processing facilities that  
12 presenting approximately 65,000 acres of farmland.

13 And we're also a member of the National Organic  
14 Coalition, NOC. We submitted more detailed  
15 written comments as has NOC. But today I just  
16 wanted to talk about two things.

17 First, I wanted to thank the crop  
18 subcommittee for the great work on the ammonia  
19 extracts petition and as you heard from our crop  
20 specialist, Caleb Goossen, who spoke a little  
21 earlier, we strongly support the proposal to

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1 restrict the use of highly soluble nitrogen  
2 fertilizers. The mantra feed the soil, not the  
3 plant guides our work and we must be vigilant in  
4 protecting the foundational principles of organic  
5 farming as more and more natural sources of high  
6 nitrogen fertilizers could allow farmers to  
7 sidestep the basic requirements set out in section  
8 205-203 of the NOP Standards. The carbon to  
9 nitrogen ratio is clear and addresses the issues  
10 well and certifiers can enforce it with ease. Our  
11 certification staff members indicate that the math  
12 is manageable, that Co-op Extension has  
13 recommended values for crop nitrogen needs and all  
14 fertilizer manufacturers can easily supply MROs  
15 with an analysis that includes the carbon to  
16 nitrogen ratio. And so with a simple guidance  
17 document from the NOP certifiers could easily  
18 verify the restrictions. When we've done this,  
19 a similar verification for Chilean nitrate in the  
20 NOP Standards. And we do acknowledge that this  
21 would create some additional work for certifiers,

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1 but we feel that we should be happy to accept that  
2 additional effort in order to protect organic  
3 principles.

4 The second thing I wanted to highlight  
5 is the escalating problem of farmland  
6 contamination from sludge containing per and  
7 polyfluoro substances, PFOS. This isn't on your  
8 workload, but I just really wanted to be sure  
9 everyone is aware of what's happening up here in  
10 Maine. Farmers are facing the loss of their  
11 farmland, their products, their businesses, and  
12 sometimes great uncertainty about their health  
13 because of extensive contamination from PFOS.  
14 You've probably heard a lot about it. Maine is  
15 sort of in the spot light right now with farmland  
16 contamination and efforts that the state is taking  
17 to address it. We just this week, the legislature  
18 has passed a ban on spreading sludge. And also  
19 is sunseting pesticides that contain them . I  
20 know my time is up, but I wanted to just post in  
21 the chat a link to an upcoming webinar because I

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1 noticed this is coming to a neighborhood near you  
2 soon. And I think people will really want to know  
3 about this and I hope the NOSB will call for  
4 coordinated and aggressive action to deal with PFOS  
5 at the federal level. So thank you so much.

6 CHAIR POWELL-PALM: Thank you so much  
7 for your comments. Yes, that's huge. And I  
8 really appreciate you bringing that to our  
9 attention today. Any questions from the Board?  
10 Brian, please go ahead.

11 MEMBER CALDWELL: Yes. Thanks,  
12 Heather and this PFOS things is definitely a big  
13 deal. I'm just really quickly, are there issues  
14 with accuracy and testing at the parts per billion  
15 or parts per trillion level, with PFOS, has that  
16 come up or is that sort of well understood?

17 MS. SPALDING: I can't answer that  
18 question. I do know that, you know, just that it  
19 is so toxic at the parts per billion, parts per  
20 trillion level is calling much more attention to  
21 this. There is, I guess you would say lowering

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1 levels of screening levels and threshold levels  
2 that are being recommended for contamination all  
3 the time. So Maine has set some very strict levels  
4 of maximum contamination levels of water. And  
5 very much stricter than EPA. But as more and more  
6 information is coming to light, the  
7 recommendations are that we should probably be  
8 lowering them even further. So I don't know the  
9 specifics about how difficult or how much integrity  
10 there is, I guess if that's what you're asking about  
11 the put the practices for detecting these, but  
12 that's -- there's just needs to be so much more  
13 research, so many more public resources available  
14 to set thresholds for, you know, how PFOS moves  
15 through the soil and the water, how it's taken up  
16 in all different crops, where it is in the different  
17 parts of crops. Yes, there's just a huge need for  
18 this. And, you know, we've been kind of making  
19 it up as we go along in Maine, but we know that  
20 there -- that federal action is really what we need.

21 MEMBER CALDWELL: Great. Thank you.

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1 MS. SPALDING: Thank you.

2 CHAIR POWELL-PALM: Any other  
3 questions from the Board? I'd be really  
4 interested to hear if you have any more specific  
5 requests from work that the Board could request  
6 to get into work agenda or work, just as, you know,  
7 the leadership voice of the community that we can  
8 be doing on this issue of PFOS contamination?

9 MS. SPALDING: I do. I have -- we're  
10 actually developing sort of a work plan for various  
11 agencies in the federal government. So we've been  
12 reaching out to our congressional delegation,  
13 Maine's congressional delegation. All of the  
14 members have submitted a letter to Secretary  
15 Vilsack calling for certain things that can be done  
16 with USDA. And I would be happy to share that  
17 document with you if you haven't seen that. We're  
18 also advocating for action, you know, at FDA, at  
19 EPA, at, you know, there are many different federal  
20 agencies that can be doing a lot to address the  
21 problem of PFOS. I could -- I know you're like

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1 really stressed for -- stretched for time, but I  
2 could -- what could I do?

3 CHAIR POWELL-PALM: We could happily  
4 follow up. I just want to put that out. I think  
5 this is something that is very needing of our  
6 attention. So thank you for your -- bringing it  
7 today.

8 MS. SPALDING: Yes. I appreciate  
9 that, too. And I guess, you know, the key things  
10 that we really are feeling are so difficult, are  
11 just like awareness for farmers about when it's  
12 safe or when it's no longer safe to even be farming  
13 their land because there are several farmers in  
14 Maine who basically have had to just pull all their  
15 products from the market. They're waiting,  
16 they're uncertain, their body burden levels are  
17 higher than factory workers at a DuPont plant.  
18 You know, their children's body burden levels are  
19 extremely high too and we just don't have the data  
20 to show like what is an acceptable level, what is  
21 a permissible level of PFOS contamination in

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1 various different crops. So we really need that.

2 CHAIR POWELL-PALM: Okay. Well,  
3 please stay in touch. Yes.

4 MS. SPALDING: Thank you.

5 CHAIR POWELL-PALM: This is important  
6 and thank you for bringing it today. Next up, we  
7 have Oren Holle, followed by Marie Burcham, and  
8 then Bryce Irlbeck. So Oren, if you're there,  
9 please go ahead.

10 MR. HOLLE: Yes, I'm with you at this  
11 point.

12 CHAIR POWELL-PALM: All right. The  
13 floor is yours.

14 MR. HOLLE: You can hear me okay?

15 CHAIR POWELL-PALM: We can, yes.

16 MR. HOLLE: Okay. I'm Oren Holle.  
17 I'm an organic grain producer in Kansas, I'm  
18 president of the Organic Farmers Agency For  
19 Relationship Marketing, better known as OFARM.  
20 We appreciate the opportunity to address the  
21 members with the NOSB. We especially want to thank

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1       you for the opportunity for virtual participation.  
2       OFARM in a nutshell coordinates marketing  
3       programs with producer co-operative marketing  
4       groups. My comments today will be of a general  
5       nature and we want a first of all commend the  
6       National Organic Standards Board for their  
7       commitment to the task keeping the Organic Program  
8       strong and to advocate for the needs of the organic  
9       operations. Finding individuals, particularly  
10      producers who are running to serve in that capacity  
11      is a challenge. As we search for candidates, our  
12      occasions in the past for volunteers to serve,  
13      comments have been made to more adequately,  
14      enumerate those who accept that obligation. While  
15      we don't want these positions to become  
16      career-enhancing opportunities, it seems logical  
17      that the NOSB could convene a session with current  
18      and past NOSB members to assess an established  
19      protocol for reimbursement for actual expenses  
20      incurred while they need to take the time away from  
21      their obligations to their current roles in

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1       organic.

2

3                   The Board is also to be commended for  
4       keeping the pressure on to finally bring the origin  
5       of livestock road to fruition.    The apparent  
6       multi-year time lag and this process points to a  
7       more fundamental issue.    There's obviously still  
8       a disconnect in the basic relationship between the  
9       NOSB and the NOP.    Issues are addressed, some rules  
10      are proposed, and it just gets tabled in a  
11      bureaucratic process.    Maybe it's time for the  
12      NOSB to convene a sit-down with the NOP and the  
13      AG secretary to re-establish the purpose of the  
14      NOSB to properly interpret the basics of the  
15      Organic Foods Production Act.    From a common sense  
16      perspective, it seems that many of the issues that  
17      have gone and may in the future gone to rule making  
18      could be solved if we just get back to the basics  
19      of proper interpretation of the Organic Foods  
20      Production Act.    As we understand it, the idea is  
21      the fundamental purpose of the NOSB.    Considering

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1 the debate on the limitations of synthetic  
2 nitrogens, here's how it plays out in a real-world  
3 of transition to organic grain production. The  
4 larger the operation, the more incentive there is  
5 to follow the mantra of using all farm inputs to  
6 enhance production outcomes. Relaxing any  
7 processes to increase the usage of questionable  
8 inputs results in a slippery slope that enhances  
9 the model of production that non organic has  
10 followed way too long. The very existence of the  
11 capo-type operations in organic bears witness to  
12 the way organic principles can be bent to fit their  
13 production model. Corporate and sometimes large  
14 private interest continuously promote transition  
15 of large-scale production units which are the most  
16 likely to pursue the shortcuts to basic  
17 soil-building principals by using more all farm  
18 inputs including questionable nitrogen sources.  
19 Is my time up already?

20 CHAIR POWELL-PALM: It is. I'll ask  
21 you a question to just finish. If you if you can

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1 finish quickly.

2 MR. HOLLE: I would just add one final  
3 thought, the strengthening of the organic  
4 enforcement rule must be implemented sooner rather  
5 than later. We appreciate the opportunities for  
6 input to that rule of development process, and its  
7 benefits are already apparent. We ask the NOSB  
8 to once again, keep up the pressure to bring this  
9 rule to fruition.

10 CHAIR POWELL-PALM: Thank you. Thank  
11 you for your comments today. Do we have any  
12 questions from the board for Oren? I have a  
13 question for you, Oren. As we look to the growth  
14 of the industry, I asked the question yesterday,  
15 you know, how do we grow the industry to 50 percent  
16 of food in America. But In looking at how organic  
17 has been an exceptional example of a grassroots  
18 growth with a lot of small farmers, a lot of all  
19 size farmers engaging in the certification and  
20 building this industry. I hear your concerns  
21 about larger operations getting into organic.

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1       What would you say is the key to getting more  
2       smaller operations? All sizes of the farmers to  
3       see organic as a viable path for themselves and  
4       to enhance the transition and increase the  
5       transition of farmers to organic?  
6

7                   MR. HOLLE: Well, if you're asking  
8       specifically about, you know, the area that I'm  
9       familiar with and that would be among the grain  
10      farmers. You know, we see them transitioning in  
11      and out. And much of that have been due to, you  
12      know, the fluctuations in the market potential.  
13      You know, we see organic prices dropping and  
14      they're gone back to conventional again. We see,  
15      you know, organic having from great opportunity  
16      like they're all right now, the transition within  
17      someone floor because the conventional markets are  
18      pretty well established too right now. But I think  
19      the basic premises is that one of the questions  
20      is there, okay. We're looking forward to the  
21      opportunity of the organic premiums and all the

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1 economic revenue that can be generated in the  
2 transition. But they're just not sure that it has  
3 any longevity as if there were, you know, some  
4 degree of assurance that there would be a  
5 stabilizing in that market process that would be  
6 a big asset. In addition to that, I would say that  
7 in the long-term, it's still a matter of education,  
8 particularly right now with a high cost of the  
9 inputs particularly and all the fertilizers. And  
10 of course, chemicals had gone sky high too.  
11 They're certainly, you know, a number of them are  
12 looking that direction. But there again, you  
13 know, if the economics are there and there's some  
14 reasonable assurance that's going to be set  
15 stability, you know, that certainly would help  
16 because most of them are still going to have to  
17 sit down with their banker and convince them that  
18 the transition is going to be, you know, a viable  
19 alternative. Does that answer your question?

20 CHAIR POWELL-PALM: I think so, yes.

21 Thank you very much. I appreciate your time today

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1 and your comments. All right. Next up, we have  
2 Marie Burcham, followed by Bryce Irlbeck, and then  
3 Justin Raikes.

4 MS. BURCHAM: Can you hear me okay?

5 CHAIR POWELL-PALM: We can. Yes,  
6 please go ahead.

7  
8 MS. BURCHAM: All right. Thank you.  
9 Good afternoon, members of NOSB and NOP, and my  
10 name is Marie Burcham, and I am the policy director  
11 for The Cornucopia Institute. Our planet is  
12 experiencing extreme stress due to climate change,  
13 potentially climate disaster that will  
14 fundamentally alter how we relate to our  
15 environment. Some of this change is caused by the  
16 way we farm. Despite this reality, the USDA seems  
17 bent on staying the course with their general  
18 support of chemically intensive farming. The NOSB  
19 has asked other commenters what it would take to  
20 increase organic share of the market to 50 percent  
21 or above. What it would take is broad recognition

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1       that commercial agriculture, as we know it, is a  
2       failure on all counts. It is more expensive, more  
3       dangerous, less socially beneficial, unless  
4       nutritious and favorable food is produced. A  
5       growing body of scientific research shows that farm  
6       assistance designed or managed according to  
7       agroecological principles can meet food needs of  
8       our society while also addressing other serious  
9       concerns. To expand our back marketplace, we need  
10      to improve integrity and transparency throughout  
11      the agricultural system. The whole organic system  
12      must connect to continuous improvement, and we need  
13      an organic label to stand for true conservation  
14      agriculture as an example for how all farming  
15      should be.

16                    The organic marketplace has to solve  
17      its existing problems and strive to do better for  
18      tomorrow. Of particular concern are issues of  
19      consistency, role improvements, and transparency  
20      information. For example, a certifier survey on  
21      policies for a three-year transition case shows

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1 serious inconsistencies. These inconsistencies  
2 encouraged bad actors to cheat the system, pushing  
3 industry as a whole away from the goal of continuous  
4 improvement. We support technical assistance for  
5 NOSB knowing these volunteer roles are heavy lift.

6 Part of that technical support should include  
7 expertise and guidance on most recent research,  
8 including that presented by public commenters.  
9 Additionally, we recognize that the NOSB cannot  
10 consider economics and evaluating substances,  
11 however the NOP should not let economic factors  
12 drive decision-making when there are concerns of  
13 environmental or human health. Focusing on  
14 staying true to principles of conservation  
15 agriculture and maintaining continuous  
16 improvement is critical to help the organic  
17 marketplace grow.

18 Finally, we are very concerned about  
19 the additions to the PPM that may have the effect  
20 of limiting free speech in a federal public forum.  
21 The first to personal tax is subjective.

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1 Sometimes comments that are subjective might  
2 impugn the character are factual, and free speech  
3 protects these kinds of remarks. There are real  
4 questions about whether the NOSB can restrict  
5 commenters in this manner and we would like to see  
6 the USDA's attorneys address these concerns as soon  
7 as possible. Thank you very much and welcome to  
8 the new members. I hope your time serving on the  
9 Board is productive and helpful.

10 CHAIR POWELL-PALM: Thank you for your  
11 comments. Any questions from the Board? Marie,  
12 as a -- if I were an organic consumer, what would  
13 you say to me as the reason that I should buy organic  
14 food? What is going well in our industry?

15 MS. BURCHAM: There's a lot going well,  
16 I believe. The research that's going on right now  
17 is really showing that organic food is -- will lower  
18 the dietary risk of exposure to pesticides. It  
19 also is showing that practices that are common in  
20 organic agriculture, such as cover cropping and  
21 crop rotation and things like that, are increasing,

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1 not just the carbon sequestration, but resilience  
2 of the food system. So these farms are producing  
3 the same if not better yields in times of climate  
4 stress. And I think especially with the pandemic,  
5 consumers are more aware than ever how fragile our  
6 food systems are. So that is an important piece  
7 as well. And these same practices that are  
8 beneficial for climate health are also showing to  
9 increase, especially in micronutrients in food.

10 There's a lot of interesting research and data  
11 collection going on surrounding that. And from  
12 the Bionutrient Research Institute, I'm really  
13 looking for it to them publishing more of that going  
14 forward. So I think organic food really is the  
15 answer, not just for the consumer who can afford  
16 it, but really for transforming our entire food  
17 system and being an example, moving forward and  
18 it obviously takes a lot of consumer education and  
19 there's a lot of anti-organic propaganda out there  
20 as well that we need to fight against continuously  
21 as a movement. But as time goes on, the research

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1 just gets better and there's so much more we can  
2 speak to that is really amazing and really  
3 recommends what we're doing here to the rest of  
4 the world and to consumers too.

5 CHAIR POWELL-PALM: Thank you so much  
6 for those comments. I appreciate your time today.

7 MS. BURCHAM: Yes. Thank you.

8 CHAIR POWELL-PALM: Next up, we have  
9 Bryce Irlbeck, followed by Justin Raikes, and then  
10 Kris Klockenga. And Steve Ela always did a great  
11 job reminding folks that I -- the chair will be  
12 an equal opportunity butcher of names. So I have  
13 not said that, but I do apologize if I've gotten  
14 your name wrong. Bryce, please go ahead.

15

16 MR. IRLBECK: Yes. Thank you. First  
17 I want to thank the Board, I know how much volunteer  
18 time you've put in and so, I thank you for that  
19 and all that you do. And so my name is Bryce  
20 Irlbeck, I am a fairly large organic farmer in  
21 West-central Iowa. I do consulting on about

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1 80,000 acres of organic throughout the U.S. And  
2 so I want to talk about two things today. The first  
3 is the highly soluble ammonium nitrogen product,  
4 and then the import markets and the organic  
5 certification standards and how we see we can  
6 improve them. And I wasn't planning on talking  
7 about the soluble nitrogen product, but I saw  
8 comments from a representative in my state, and  
9 I thought it very, very important to make sure in  
10 my feelings that I was never more clear that people  
11 represented us not in fact don't actually represent  
12 us. I want to let you know that I highly support  
13 your position at the Board and that contrary to  
14 what was said in the comments for me as a farmer  
15 it does not provide organic benefits specifically  
16 in our state, a lot of these products are being  
17 shipped out of the state, and significantly  
18 increasing our cost of production, by taking those  
19 products off the market and allowing big ag  
20 businesses to corner the vital nutrient market that  
21 we have to grow and expand and be fruitful and

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1 organic. And I'll bring an example of this. I'll  
2 keep it short, but the prohibition of this nitrogen  
3 from the words of this comment was limit access  
4 to affordable fertilizer for organic farmers and  
5 reduce production of organic products and that  
6 couldn't be more opposite on my farm, if you'd come  
7 out here, I can show you real life how that is the  
8 opposite. Right now, we can't get enough chicken  
9 manure. It's being hoarded. It's not available  
10 to us. It's being kept by some of these large  
11 companies. And it's been a very difficult year  
12 on that, so I can show you personally on my own  
13 farm. Now, enough of that. I thought it was  
14 important to bring that to the Board's attention  
15 to talk through it from an organic farmer's point  
16 of view actually in Iowa.

17 Now let's go to the import markets.  
18 I think one of the things that I've heard in the  
19 last couple talks that resonating. How do you  
20 increase organic production? And I think one of  
21 the things that I see in organic farms as the

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1       volatility of organic and it's created through  
2       imports that we bring in at cheaper prices and  
3       production. And you could argue back-and-forth  
4       that they're organic or not. We all have our views  
5       and I think you have a good idea of what they are.  
6       But during the low periods it forces farmers out  
7       because they import lower priced grain. Right now  
8       we're in a good period of organic production  
9       because we have higher grain than needs to be for  
10      the end-users meaning that the dairies, the food  
11      companies. We have \$40, 45 soy beans. You know,  
12      it's great for me, but I know the bottom side of  
13      this is going to be very painful and it's very  
14      painful for those injuries right now. If we could  
15      find an equilibrium in the middle by bringing in  
16      more viable rules to make sure that we do have  
17      organic integrity and stabilize the market. I  
18      think it's one of the biggest things to increase  
19      the production of organic. And we could do that  
20      through a few aspects of adding acres to the organic  
21      certificate and centralizing crop sales so we

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1 know what is available on each farm. It'd have  
2 a 2022 database with that kind of information and  
3 technology we have.

4 CHAIR POWELL-PALM: Thank you very  
5 much for all of those comments, that was a lot,  
6 so thank you so much. Brian has a question for  
7 you.

8 MEMBER CALDWELL: So I just want to let  
9 you we're running out of time there and I just  
10 wondered if there were any vital other comments  
11 that you wanted to make.

12 MR. IRLBECK: Yes. So along with the  
13 imports coming in and out of fluctuating the market  
14 so much that we don't ever create a sustainable  
15 environments. We also import a lot of  
16 insignificant grains. That seem insignificant if  
17 you look at face value, the wheat, the barley, the  
18 small grains that really make rotations grow on  
19 the farm to be successful in organic, at least in  
20 the Midwest, are not viable in our region. So  
21 you'll see a lot of farmers just corn, soy beans,

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1 corn, soy beans, which is not a viable long-term  
2 rotation because they can't financially or  
3 sustainably fit the small grains in if we import  
4 them.

5 CHAIR POWELL-PALM: Amy, please go  
6 ahead.

7 MEMBER BRUCH: Yes. Bryce, just a  
8 quick question. Thanks for your time today. It  
9 sounds like you work with a lot of transitioning  
10 farmers and organic farmers in general. What  
11 would you say are the top three barriers to  
12 expanding organic production?

13 MR. IRLBECK: Yes, so I think the top  
14 one's instability. I mean, it looks really good  
15 right now. But when it drives back down to \$6,  
16 7 corn, it's really hard to compete. So finding  
17 that stability and then the education part of it,  
18 of understanding the certification process and  
19 really getting it so it's one process, not 100  
20 different processes each make their own kind of  
21 rules. Doesn't have to be exactly the same, but

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1 keeping that across the board at the same and then  
2 education. The second one, the certification kind  
3 of lining that out a little better than it is today  
4 where each one makes their own rules, per se in  
5 the fast lane.

6 MEMBER BRUCH: Thanks.

7 CHAIR POWELL-PALM: Any other  
8 questions from the Board? I have a quick question  
9 for you, Bryce. In looking at this kind of  
10 whiplash market that we're seeing where we have  
11 really high prices, really low crops. Do you have  
12 any take on farmers trying to organize in a way  
13 that stabilizes the supply chains. We've heard  
14 it from two of the folks from OFARM, which is a  
15 group of co-operative marketing organizations.  
16 Your take on co-ops, your take on how do we  
17 stabilize this to help it grow? So that the end  
18 buyers have a consistent supply. So that farmers  
19 can realize a consistent price and we get away from  
20 these extremes.

21 MR. IRLBECK: Yes. You know, for me,

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1 co-ops are hard. I always believed if you can get  
2 two farmers to agree, you can rule the world. No  
3 two farmers agree usually in most circumstances.

4 So I think it really comes down to the presentation  
5 or the talk that I had is it's really enforcing  
6 the integrity of organic because the production  
7 that was coming across is, well, previous three  
8 years at \$4 or 5 or 6 and we see these people pop  
9 up when countries shut down, the other country pops  
10 up and comes organic. It's just very hard to  
11 believe that's organic and they're producing under  
12 the same standards, the same living, the same type  
13 of stuff that we're doing in the U.S. that you saw  
14 a lot of people drop out. So I think it's really  
15 standardizing the rules, figure out how to get that  
16 sustainability.

17 CHAIR POWELL-PALM: I appreciate that.

18 I've asked this question to some other farmers,  
19 but I'm always interested. What is your crop  
20 rotation and how do you feed the soil? And do you  
21 try to grow the most profitable crop every year

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1 on all acres?

2 MR. IRLBECK: Yes. So I am different  
3 than most organic farmers. Our crop rotation is  
4 three to four years of alfalfa, one year of corn.  
5 It's -- so we're growing 50 to 75 percent of our  
6 nitrogen through those three years, and taking up  
7 a vast majority of our weed control. Now this is  
8 not the most profitable rotation if you put it in  
9 itself, but with the data and what we're seeing  
10 flow in through our system, long-term, it is the  
11 most profitable rotation. If you've taken all the  
12 external factors of failures and successes, that  
13 go on corn, soy bean and those type of rotations,  
14 and input costs and labor and equipment and all  
15 that type of stuff. We've settled and I've tried  
16 every rotation I think under the sun, 34 years of  
17 alfalfa growing and nitrogen to take care of our  
18 weeds and one year of corn, we might do a little  
19 bean here and there, but not much, we're just kind  
20 of figuring them out now, so --

21 CHAIR POWELL-PALM: Okay. Thank you

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1 so much. Kim, please go ahead.

2 MEMBER HUSEMAN: And I'll be quick.  
3 Sorry. Bryce, thank you so much for your comments  
4 today. I'm just curious. I know we look at  
5 different ways to try to understand the market  
6 dynamics from a pricing structure. But does any  
7 of your farming practices utilize any of the  
8 conventional pricing mechanisms in order to find  
9 price discovery for your organic grains?

10 MR. IRLBECK: You'll -- and  
11 specifically greens, no. It's a true markets. I  
12 call up and they bid what I'm willing to accept.  
13 So it's one of those true markets that doesn't  
14 have the outside influences. I think the better  
15 thing is the influence do -- to be fair I do have  
16 some connections to the conventional market, but  
17 the grain prices, I think have more to higher  
18 convectional grain prices more people jump out of  
19 organic when we see higher organic prices less  
20 people around the world want to for lack of better  
21 word, fake organic in those other countries because

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1 if they're selling \$7 conventional corn, why do  
2 it for \$10 and go through the whole process.

3 MEMBER HUSEMAN: Thank you.

4 CHAIR POWELL-PALM: Thank you so much,  
5 Bryce. Always appreciate hearing from you and  
6 getting that crop farmer perspective. So thanks  
7 for taking the time today.

8 MR. IRLBECK: Thank you, everyone.

9 CHAIR POWELL-PALM: Next up, we have  
10 Justin Raikes, followed by Kris Klokkenga, and then  
11 Lori Stern. So Justin, if you're on, please go  
12 ahead.

13

14 MR. RAIKES: Yes. Thank you. I'm a  
15 fifth generation farmer from Easter Nebraska,  
16 we've been in the same spots since about 1900.  
17 We raise grains, organic grains and forages and  
18 are continuing to transition our land base towards  
19 organic. We also raise and sell our own American  
20 Wagyu beef and are trying to grow and continue to  
21 sell our cover crops, specifically in organic

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1 space. And, you know, organic is what allowed me  
2 to come back into the operations. So thank you  
3 to the Board members. As Bryce said and I know,  
4 it's a lot of work, but appreciate what you guys  
5 are doing because it is creating real opportunity.

6 So I wanted to add two comments to his. I agree  
7 with everything he said, and just in addition, with  
8 respect to integrity, both domestic and imported.

9 You know, one of the things I want to point out  
10 is one of the benefits of organic system is the  
11 ability to offer, you know, really good paying  
12 benefits to our entire team. We strive to do that  
13 and create new opportunities to find new ways to  
14 increase paid benefits. A big concern of ours  
15 going forward is we consider this integrity  
16 question is whether we're competing on a level  
17 playing field. And with respect to wages, health  
18 and safety standards and you know, that's  
19 particularly to imports, but it also kind of plays  
20 into fraudulent domestic production as well,  
21 because obviously somebody is just committing

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1 fraud domestically doesn't have the same  
2 incentives that we do. So we're trying to build  
3 this, not just for ourselves, but for our entire  
4 team and our entire community in the long run and  
5 then, you know, it's great that we have the  
6 opportunity to do that, and we are very interested  
7 in the integrity issue just to, you know, continue  
8 to allow that to occur.

9 The second thing I wanted to point out  
10 with respect to this issue is what we've noticed  
11 on the part of end-users are particularly  
12 merchandisers and market makers. A real  
13 reluctance or unwillingness to challenge the  
14 validity of whether it's less than robust imports  
15 or whether it's suspect domestic. The market  
16 incentives just don't seem to be there for the  
17 end-users to really look hard at where stuff is  
18 coming from. So and I punctuate that with a direct  
19 quote, I will not include attribution on the quote,  
20 but a notable organic end-user has made the comment  
21 that they would rather pay growers in India, you

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1 know, \$1 to 2 dollars a bushel for this particular  
2 product that's worth quite a bit more here than  
3 the deal with farmers domestically in the United  
4 States. And so that's the attitude that's out  
5 there. And that's why we really encourage the  
6 Board to pursue true parity standards and increase  
7 enforcement. Thank you.

8 CHAIR POWELL-PALM: Thank you very  
9 much for your comments today. Any questions from  
10 the board for Justin? Yes. Logan has one.

11 MEMBER PETREY: Hi. It's not a  
12 question, but, Justin, it's been many years, but  
13 it's good to see you, from the old Generation Farms  
14 group, but anyways glad you're into organics,  
15 that's awesome. Justin definitely helped my  
16 operation get into organic so much appreciation  
17 there. But anyway, good luck with everything.

18 MR. RAIKES: Thanks, Logan.

19 CHAIR POWELL-PALM: Thank you, Logan.  
20 Amy, please go ahead.

21 MEMBER BRUCH: Yes. Justin, thanks

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1 for your time today. Fellow Nebraskan, I really  
2 appreciate your participation here and sharing  
3 insight on your operation, on our work agenda for  
4 that TACS committee is just proposing to have acres  
5 on certificates to begin that more  
6 transparent-type conversation that growers,  
7 inspectors, certifiers, and those end-users can  
8 start having. What are your thoughts with that  
9 piece? Do you think that will be helpful and do  
10 you think it would cause any undue burdens?

11 MR. RAIKES: Fully support. Hard for  
12 me to think of a downside. You know, I'm sure that  
13 we could get tripped up on something silly, but  
14 in general, I think it's got to be the right  
15 direction.

16 CHAIR POWELL-PALM: Thank you for that  
17 question, Amy. Thank you, Justin, for your  
18 comments today. One quick question for you,  
19 Justin, that I had is, when you're thinking about  
20 growing organic, you talked a lot about your --  
21 the viability of your business, being quite good,

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1 you're able to offer a bright spot in your community  
2 as far as a viable business. What can the Board  
3 do and how do we help farmers like you realize more  
4 opportunities? How do we grow this thing that is  
5 so valuable? And one sort of other question to  
6 that is, when we look at resiliency in American  
7 agriculture, do you see organic as a more resilient  
8 system? And do you see it as something that is  
9 the future of your community?

10 MR. RAIKES: Big questions. First I  
11 agree with Bryce's comments that I think the  
12 integrity piece is a big deal, the ability to grow  
13 small grains, the ability to mix up rotation, you  
14 know, in our neck of the woods is a deal because,  
15 you know, we might see more people coming in if  
16 there were more options, you know, corn, soy beans  
17 in this part of the world's what people know. But,  
18 you know, having more flexibility and rotation is  
19 a big deal. That's one of the reasons why, you  
20 know, we're interest in trying to continue to grow  
21 and increase the cover crop seed base because

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1 that's, you know, that's an end-user market. But  
2 I think our biggest interest is trying to see, you  
3 know, more end-users come in. So we want to see  
4 more visible end-users in more geographies as well.

5 We have that's a big wall and the integrity stuff  
6 that we talked about, you know, that helps. But  
7 I think people see it at the grocery store, they  
8 see the end-users that have connection to the  
9 products and where it's going. That's all  
10 positive in that house. I'm sorry, I forgot your  
11 second question.

12 CHAIR POWELL-PALM: Oh, just when we  
13 look at resiliency in real communities, what do  
14 you see as the relationship between building a  
15 resilient role in America in organics?

16  
17 MR. RAIKES: 100 percent. You know,  
18 I do completely agree. In fact I recently got in  
19 an argument with university extension folks close  
20 to me because I don't I don't feel like university  
21 support is very good for what we're trying to do.

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1       And my points of them is look, I needed, you know,  
2       good candidates. I need the pipeline of kids  
3       coming out of universities that, that we can train  
4       in because we have so many bolt-on opportunities  
5       to what we're doing that we can't pursue or it  
6       doesn't make sense for us to pursue. There's so  
7       many other things that you can plug into the system,  
8       from a soil all standpoint for rotation standpoint  
9       from wherever else, whether that's running, you  
10      know, groups of chickens in parallel for bug  
11      control or bolt on grazing opportunities for other  
12      businesses. There's a lot of other things we can  
13      do. And you know, fundamentally that's creating  
14      jobs. It's bringing exactly what we were talking  
15      about earlier. You know, we're trying to create  
16      good opportunities for people and, you know,  
17      fortunately, so far, we've been able to do that.  
18      We want to continue that runway. So we don't --  
19      we can't manage effectively, every single  
20      opportunity that might come our way. And it's  
21      disappointing to see them have to kind of sail away

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1 because you can't go after them. We don't have  
2 enough people or we don't have enough people just  
3 to plug into our operation even if they're not  
4 working for us in some way that they can bolt on  
5 and go. So 100 percent, I'm all the way on that.

6 CHAIR POWELL-PALM: All right.  
7 Opportunities sound bound list. So appreciate  
8 that. We need to add some fuel to this fire.  
9 Thank you for your time today and your comments.  
10 New up we've got Kris Klokkenga, and apologies  
11 if I'm saying that wrong. So Chris, please go  
12 ahead.

13 MS. ARSENAULT: Don't think Kris is  
14 with us. I haven't --

15 CHAIR POWELL-PALM: All right moving  
16 on then to Lori Stern. Lori, please go ahead.

17 MS. STERN: All right. I'm here  
18 somewhere.

19 CHAIR POWELL-PALM: All right. Thank  
20 you.

21

22

1 MS. STERN: So thank you for the  
2 opportunity to speak. I'm Lori Stern, Executive  
3 Director at the Midwest Organic & Sustainable  
4 Education Service, also known as MOSES. Like  
5 other speakers, I would like to send my  
6 appreciation for all of the members of the NOSB  
7 especially the farmer members and in particular  
8 new member Liz Graznak, who was our 2020 farmer  
9 of the year. So again, congratulations to Liz.

10 I want to use my time today to speak generally  
11 about the organic program and farmer access to a  
12 certification program with integrity. From  
13 previous comments, I know we are all committed to  
14 increasing organic products. However, the goals  
15 of organic or more than success in the marketplace.

16 Organic is a system that relies on diversity to  
17 build healthy soils and vibrant communities.  
18 There are farmers who face barriers to  
19 certification, but live the values and intent of  
20 true organic. For these farmers and other small,  
21 medium-size farmers already certified it is

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1 important to reduce the cost of certification.  
2 Ideally for smaller operations, we proposed that  
3 these costs would be covered 100 percent. We are  
4 grateful that the cashier program mistake was  
5 corrected. However it is still inadequate for  
6 operations that gross less than \$250,000 a year.  
7 Moving to this approach would minimize paperwork,  
8 additional applications, and make the support  
9 automatic and accessible. Another way to improve  
10 access to certification is to promote group  
11 certification as an option. Several incubated  
12 farms in the Midwest have utilized this approach,  
13 the ability for a collective of farmers who share  
14 a label, farmland, or unique farming methods, to  
15 also share the burden of documentation, makes the  
16 certification process less daunting and  
17 threatening. We see younger farmers and black,  
18 indigenous, and other farmers of color embracing  
19 cooperatives and collectives as a way to gain land  
20 access and farm life balance. Good certification  
21 would validate this approach and increased

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1 participation in the National Organic Program for  
2 a new group of farmers. It feels very much like  
3 the organic movement is at crossroads. We urge  
4 the NOSB to keep small to medium scale organic  
5 farmers in mind as requests come for changes that  
6 favor those that view the label on the in terms  
7 of market share. Instead, let's work to make the  
8 label more accessible to the farmers whose  
9 operations more closely resemble what consumers  
10 expect from organic: diverse, whole-system farming  
11 that builds healthy soils and truly benefits  
12 people, animals, and the climate.

13 CHAIR POWELL-PALM: Thank you so much  
14 for your comments.

15 MS. STERN: Okay.

16 CHAIR POWELL-PALM: Do you have any  
17 questions from the Board? I'll throw the same one  
18 at you since you almost answered it for me. Could  
19 you kind of dive in a little bit more? I feel like  
20 we've heard a lot about, you know, organic not being  
21 necessarily considered an obvious climate solution

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1 and not acknowledged when large funding  
2 opportunities come around as the climate smart  
3 solution. And so when we're looking at that we're  
4 only one percent of the land, what do you see as  
5 the balance between elevating certain organic  
6 farmers versus saying really anyone who's willing  
7 to participate is so ahead of conventional farming,  
8 that we should just be trying to add as much fuel  
9 to this as we can to keep this growing. What's  
10 the balance to strike there?

11 MS. STERN: It's a tough one for sure.

12 I think that ultimately we want to get to the place  
13 where what we're not advocating for us to something  
14 that's less bad.

15 CHAIR POWELL-PALM: Yes. Yes.

16 MS. STERN: And I think that, at the  
17 end of the day, small farms still feed the majority  
18 of the world. And, as we're and other speakers  
19 have pointed out the fragility in our food system.

20 I think we do need to continue to do what we can  
21 through USDA programs and the ways that we

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1       approached us to really strengthen the ability of  
2       people to access land and continue to kind of farm  
3       at human scale.     And yes, I mean, there's  
4       definitely a balance to be had.   And at the same  
5       time, I think, just this notion of, you know,  
6       building healthy soils and being truly  
7       regenerative in the way that we are farming, is  
8       where -- I mean, you mentioned climate at the front  
9       end.   And I think that's -- it's still going to  
10      be the critical piece.   It still where we want the  
11      balance of this to happen, I believe.

12                   CHAIR POWELL-PALM:   Thank you.   Liz  
13      has a question for you.

14                   MEMBER GRAZNAK:   Hi, Lori.

15                   MS. STERN:   Hi, Liz.

16                   MEMBER GRAZNAK:   Being a small farmer  
17      myself I'm very, very glad that you brought up this  
18      topic and it was actually a conversation that was  
19      happening in the chat earlier today and also a topic  
20      of conversation earlier.   So I think it is a real  
21      concern how to keep and get more younger, newer,

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1 smaller-scale farmers. I don't want to say to I  
2 mean, they -- we are farming organically, but  
3 having faith in the label and having faith in what  
4 USDA NOP stands for is really, really important.

5 And I recognize that it is an issue, but I don't  
6 know what the answer is. I don't know how to  
7 approach the young farmers and the small-scale  
8 farmers that are in my community to impress upon  
9 them why they should certify and I think it is a  
10 topic that people are talking about. But I just  
11 want to know maybe from MOSES' perspective what  
12 ideas you guys have or you're talking about of ways  
13 to address the problem, I guess. It's a super hard  
14 question.

15 MS. STERN: It is a really hard  
16 question. And I think I touched on it a little  
17 bit. I mean, if we look at -- I mean, group  
18 certification is something that happens, but it's  
19 not necessarily ubiquitous. It's not all  
20 certifies that know how to do that --

21 MEMBER GRAZNAK: Yes.

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1 MS. STERN: -- or note that. So I  
2 think that ultimately I guess we're starting with  
3 this place of reducing the barriers. And true to  
4 all USDA programs, but specifically in this  
5 instance, it would be access to the National  
6 Organic Program for sure. So reducing barriers  
7 and then doing what we can to really promote  
8 markets. I mean, a lot of these comments are  
9 saying the same thing, right? So people know that  
10 there's a place to sell into that they're, you know,  
11 really looking at equity along entire food systems  
12 and value chains. So that that happens. I mean,  
13 the concern I guess with some of the largeness is  
14 that where the profit ends up. But I think if we  
15 can show value across supply chains, more local  
16 food systems, reducing barriers to many of these  
17 programs that make it impossible and then land  
18 access things just tough, just generally. You  
19 know, people that want to farm organically and we  
20 could probably happily convince them to get  
21 certified, may not have access to land. So just

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1       trying to be really creative and how that happens  
2       too.

3                   CHAIR POWELL-PALM:   Liz, thank you for  
4       that question.   That was great.   And thank you for  
5       your answer, Lori.   Really appreciate your time  
6       today and your comments.

7                   MS. STERN:   Yes.   Thanks again for the  
8       opportunity.

9                   CHAIR POWELL-PALM:   All right.   Next  
10      up, we have Mark Schonbeck, followed by Beatrice  
11      Maingi, and then Doug Crabtree.

12                  MS. ARSENAULT:   Nate, I've not seen  
13      Mark on the line with us.

14                  CHAIR   POWELL-PALM:       All    right.  
15      Scooting right along then we'll have Beatrice  
16      Maingi, Doug Crabtree, and then Nate Lewis.   So  
17      Beatrice, please go ahead.

18                  MS. MAINGI:   Can you hear me?

19                  CHAIR POWELL-PALM:   We can.

20

21

1 MS. MAINGI: Okay. Thank you, Mr.  
2 Chairman, on behalf of Safe Foods Corporation, I'd  
3 like to thank the Board for reviewing the petition  
4 to add CPC to the national list and for the  
5 opportunity to provide comments. CPC's an FDA and  
6 USDA approved intervention that has been  
7 effectively used for over 15 years in conventional  
8 poultry processing plants to reduce the prevalence  
9 of pathogens. CPC is classified as a quaternary  
10 ammonium compound or QAC. Most QACs are approved  
11 by the EPA for use as sanitizers and algicides.  
12 However, for over 60 years, CPC is the only QAC  
13 approved by the FDA for use in oral applications,  
14 such as toothpaste, lozenges, and mouth washes.  
15 CPC cannot be compared to the EPA-approved  
16 herbicides paraquat or diquat. These materials  
17 are categorized as biologens which function as  
18 highly reactive redox compounds, which CPC is not.  
19 Therefore, it is chemically inaccurate and  
20 misleading to equate CPC's function and toxicity  
21 to that of paraquat and diquat. Although the

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1 subcommittee's proposal states that CPC is not  
2 essential for organic poultry processing due to  
3 a robust organic poultry industry supported by  
4 existing materials, data from the USDA's Food  
5 Safety and Inspection Services or FSIS shows that  
6 existing materials used in organic processing are  
7 inadequate in addressing food-borne illnesses.  
8 FSIS announced in 2021, a shift from measuring  
9 poultry pathogens based on total salmonella  
10 serotypes, to focusing on three serotypes that are  
11 responsible for causing most human illnesses. FSI  
12 has identified key performance indicator or KPI  
13 reduction levels for those three strains. From  
14 that data from June 2020 to July 2021, FSI's data  
15 shows that 42.5 percent prevalence of the KPI  
16 strains from all the establishments and then 100  
17 percent prevalence came from organic on the  
18 establishments, while 23.5 percent prevalence was  
19 from establishments using CPC. Therefore  
20 indicating that CPC would be a much needed tool  
21 for organic-only establishments to control the

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1 prevalence of these three key KPI strings. The  
2 subcommittee commented that the rules are unclear  
3 on how to handle an inert compound in a product.

4 In the case of CPC formulation, the inert  
5 component is propylene glycol. So it would be safe  
6 to suggest that the Board has encountered a similar  
7 situation in the past with parasitic acid. PAA  
8 formulations contain up to 50 percent acidic acid  
9 which has no performance function. Again, Safe  
10 Foods would like to thank the Board for reviewing  
11 the petition and allowing for comments. Thank  
12 you.

13 CHAIR POWELL-PALM: Thank you very  
14 much for your time today and your comments. Any  
15 questions from the Board for Beatrice? Mindee has  
16 a question. Please go ahead, Mindee.

17 MEMBER JEFFERY: Yes. Thanks. Since  
18 we have a little bit of time, do you mind if you  
19 want to finish your statement on the comparison  
20 to parasitic acid, did you get complete with that?

21 MS. MAINGI: Yes. So according to the

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1 way parasitic acid is in its equilibrium, it has  
2 the reactants as acidic acid and hydrogen peroxide.

3 But when you have your finished product, which  
4 is PAA, you also have acidic acid present in that  
5 product. So it's always present, but it doesn't  
6 actually serve a function. So you could say it's  
7 an inert product that is already included in PAA.

8 And for that, there doesn't seem to be any -- I  
9 guess, any issue with having it listed as a -- on  
10 the national list. For PAA to be listed even  
11 though acidic acid is an inert part of it that is  
12 not on the national list, if that makes sense.

13 MEMBER JEFFERY: Is it the same  
14 requirement because CPC requires the propylene  
15 glycol, so you're saying it says it's the same and  
16 now the same?

17 MS. MAINGI: It is because the raw  
18 materials in order to produce PAA are the acidic  
19 acid and hydrogen peroxide. However, when they're  
20 reacted acidic acid does not fully react or it  
21 doesn't get out of the equation because it's an

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1 equilibrium. So it's always going to be present  
2 along with the product, PAA. But in this case,  
3 it's just I mean, all right, it doesn't actually  
4 perform any function. It doesn't kill bacteria,  
5 it's just -- it's presence.

6 CHAIR POWELL-PALM: Any other  
7 questions for Beatrice. Sanitizers, it's  
8 something I always have on the top of my mind so  
9 I really appreciate hearing from experts like you  
10 and we appreciate your time today.

11 MS. MAINGI: Thank you for the  
12 opportunity.

13 CHAIR POWELL-PALM: All right. Next  
14 up we have Doug Crabtree, followed by Nate Lewis,  
15 and then Ken Dallmier. Doug, are you -- I'm not  
16 sure if you're joining my phone, but if you can  
17 hear us, please go ahead.

18 MR. CRABTREE: Can you hear me?

19 CHAIR POWELL-PALM: Loud and clear.  
20 Thank you.

21 MR. CRABTREE: That's great. I want

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1 to apologize for any background noise. I'm in a  
2 tractor and we farm up here in North Central Montana  
3 and we're seeding today or trying to. I want to  
4 first thank the Board for the opportunity to  
5 testify and really honor your commitments being  
6 there. I'd like to 2nd, or 3rd, or 15th of the  
7 comments that other farmers have made about  
8 scheduling these meetings at times when it would  
9 be much more appropriate and convenient for  
10 producers to be involved. But the issue I really  
11 want to address primarily is the nitrogen  
12 fertilizers. You know, we grow 15 to 20 crops  
13 across 13,000 acres here and have been engaged in  
14 organic agriculture for 20-plus years and worked  
15 to get certifier and inspector. I've got a lot  
16 of experience and I just -- I find these products  
17 to be absolutely unnecessary and see many risks  
18 in their inclusion. In our systems and those that  
19 I'm familiar with across the vast part of country,  
20 we rely on crop rotation. On what I called green  
21 manure crops, essentially what I'm seeding today

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1       coincidentally.       We grow in our rotation a  
2       five-year rotation, two of those are green manure  
3       crops in our seven-year rotation.       We'll have two  
4       years devoted to that.       Crops that are grown  
5       strictly to build and feed the soil.       And to my  
6       understanding of the standards that is a  
7       requirement.       That's been moved everyone is they  
8       purchased material or we'd have to go off farm to  
9       get to the supplement our fertility.       That's the  
10      view from here.

11                   CHAIR POWELL-PALM:   Thank you so much,  
12      Doug.   Oh, sorry.   Go ahead.   I didn't mean to cut  
13      you off.

14                   MR. CRABTREE:   No, I've said my piece  
15      and would gladly address any questions.

16                   CHAIR POWELL-PALM:   Thank you.   Any  
17      questions from the Board?   I have a question, Doug.  
18      When you think about growing your system, you said  
19      13,000 acres.   It sounds like that's expansive.  
20      There a lot going on there and there's a lot of  
21      different crops being grown according to your

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1 testimony, could you speak just a little bit more  
2 about how you view the relationship between the  
3 farmer and the land as far as feeding the land and  
4 the land feeding the farmer, and how there's, maybe  
5 a missed piece. I think in some of these  
6 discussions, but we're really looking at a holistic  
7 system that can be self-sustaining. Could you  
8 speak a little bit more about the give and take  
9 with crop rotation and viable farming.

10 MR. CRABTREE: Well, I'll try to  
11 address that, Nate, that's a big question. I  
12 guess, first of all I want to offer, you know, in  
13 Montana we're a very small farm. The normal or  
14 non-organic operations around us are two or three  
15 times the scale that we are operated on. So I would  
16 want mention that.

17 CHAIR POWELL-PALM: Thank you for that  
18 reminder. Yes.

19 MR. CRABTREE: Not to be deceived by  
20 a number that seems large in other parts of the  
21 country. But to address your question, you know,

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1 we call our farm Vilicus and that's the Latin word  
2 means steward of the land. We take that very  
3 seriously. We believe that -- you know, it's not  
4 only our ethics, but that -- that organic farming  
5 is built upon. What we're really here for is to  
6 be stewards, to build soil, to feed the biology,  
7 and then as a byproduct of that, we will produce  
8 some products that are able to be food for others.

9 But if we don't take care of the soil, we're not  
10 organic at any definition and we're not going to  
11 be here very long, that's critical. And the key  
12 to that is look to nature as our guide, diversity  
13 in any way you can get it. More crops, more types,  
14 more seasons, integrate livestock, more species.

15 Under climate change that's just becoming more  
16 and more evident and more and more necessary.  
17 Spread your risk, diversify economically,  
18 agronomically. That's what the key is.

19 CHAIR POWELL-PALM: Thank you so much  
20 for that answer. Kim has a question for you.

21 MEMBER HUSEMAN: Hi, Doug. I really

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1 appreciate your time especially being out on the  
2 tractor today. Being a larger-scope producer.  
3 Can you speak to your challenges with sourcing seed  
4 for your crop rotation and give us a little bit  
5 more kind of, just dialogue from your perspective  
6 in that arena?

7 MR. CRABTREE: Sure. Well, if you  
8 would have asked me six months ago, I'd said we've  
9 never had any trouble finding seed. We do have  
10 some trouble farming commercially as organic. But  
11 I think that's growing. We're trying to grow more  
12 and more of our own, which is the best way. The  
13 biggest supply chain challenge we've faced is that  
14 there were actually some seeds we could not buy  
15 this year. Oats, and soft wheat, that we have a  
16 market for. So it has become a challenge. I hope  
17 and I think that's transitory. But, you know, as  
18 I said earlier, I think the best thing we can do  
19 is grow our own or work with other producers in  
20 our region and cooperatively to grow seed  
21 organically on our own farms and then it can be

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1 another market for us as well.

2 MEMBER HUSEMAN: Absolutely. Thank  
3 you very much. I appreciate your response.

4 MR. CRABTREE: Thank you.

5 CHAIR POWELL-PALM: Thank you, Doug  
6 for joining from the tractor, and I -- we all hear  
7 you loud and clear that these meetings could be  
8 better timed for a lot of farmers. But I just want  
9 to give a huge shout up to those farmers who still  
10 make it despite the challenges. So thank you for  
11 your time today.

12 MR. CRABTREE: Well, thank you all and  
13 let's see you in January next time.

14 CHAIR POWELL-PALM: All right, sounds  
15 good. Next up we have Nate Lewis, followed by Ken  
16 Dallmier, Emily Brown Rosen, and then we have  
17 Maddie Kempner and Margaret Scoles to finish this  
18 out today. After that, I'm going to go through  
19 the list of folks who we missed, who weren't  
20 available when we were first calling to see if  
21 anyone is on the line as we do have a little bit

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1 of time. So Nate Lewis, please go ahead.

2

3

4 MR. NATE LEWIS: Hey, folks. Nate  
5 Lewis, calling from Olympia, Washington, speaking  
6 on behalf of our farm, Oyster Bay Farm. My wife  
7 and I farmed together for about 20 years, we raised  
8 organic pastured broilers and eggs, grass-fed  
9 beef, lamb, pastured pork, vegetables and crops.

10 We dabble in some shellfish raising oysters and  
11 clams on the tidelands that we own on our farm and  
12 we manage a small FSC certified timber lot for  
13 specialty wood products sold locally. My off-farm  
14 job is with Washington Farmland Trust. We work  
15 to preserve organic and sustainable farms in State  
16 of Washington. Before that, I was a farm policy  
17 director at the Organic Trade Association and  
18 before that, I was a certifier with the Washington  
19 State Department of Ag and I ran the materials  
20 review program. So my past experience informs my  
21 opinions and comments I want to provide. But being

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1 clear that their comments are purely my own. On  
2 behalf, I suppose of Oyster Bay Farm, but probably  
3 more Nate Lewis, the policy wonk and advocate for  
4 organics. I want to talk about the crops  
5 subcommittee's recommendation on soil  
6 fertilizers, I really support the move of the  
7 recommendation from the practice standard 205-203  
8 to the prohibited substances standard, so that  
9 there are actual teeth on the potential use of these  
10 substances. So I think the positioning of this  
11 topic at 105 is appropriate. But there are two  
12 areas that I think are lacking in the proposal.

13 One is that it doesn't address soluble fertilizers  
14 of non-nitrogen form like phosphorus and potassium  
15 and other macro and micro nutrients, and then  
16 secondly, it doesn't provide a mechanism for the  
17 industry to petition or put forth  
18 substance-specific restrictions that are more  
19 appropriate for the types of products to  
20 manufacturing. So if I were in your shoes, I would  
21 pull this recommendation back one more time or a

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1        few more times to get it right. This is a really  
2        significant issue. We're talking about  
3        non-synthetics, that are highly soluble and  
4        clearly don't immediately align with organic  
5        principles but that need, we do need guidance and  
6        we do need mechanisms. So I would recommend  
7        pulling it back, doing some more work and then the  
8        products from that further work would be a  
9        definition for the term and currently undefined  
10       term mined substances of high solubility. And  
11       then a recommendation that term be added to the  
12       205-105 with the allowance that manufacturers'  
13       petition to add restrictions to 602 to allow those  
14       things. So I know at the end of the day and the  
15       second thing, so that's a mental gymnastics, I'm  
16       happy to expand upon that, but I think that would  
17       achieve a lot of the goals and really give play  
18       -- you know, give a good baseline for the good work  
19       that you've already done. So thanks.

20                    CHAIR POWELL-PALM: Thank you so much  
21        for your comments. Amy has a question for you.

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1                   MEMBER BRUCH: Yes. Nate, thanks for  
2 your time today. I really appreciate that.  
3 Wanted to ask you, you had mentioned to define mine  
4 substances of high solubility, and I was just going  
5 to ask you what your definition would be of that  
6 term --

7                   MR. NATE LEWIS: Yes.

8                   MEMBER BRUCH: -- you forgot that part.

9                   MR. NATE LEWIS: Yes. A little bit.  
10 I think there's two pieces that we need to look  
11 at. One is obviously the mined side, mined piece.  
12 And I would want to be expansive on that. So it  
13 wasn't just things you've dug out of a pit in the  
14 ground. I view like we have -- like ammonia  
15 extracts are mined from chicken manure piles. So  
16 I think we need to be expansive on what mined means.  
17 It doesn't necessarily have to only be things that  
18 are dug out of a hole in the ground. And then high  
19 solubility I think needs to be -- we need to be  
20 working closely with our colleagues at APFCO and  
21 the fertilizer definitions that they develop there

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1 so that we're not putting liquid manure and, you  
2 know, manure lagoons into that category. We need  
3 to be clear that solubility has to do with plant  
4 availability, it has to do with the behavior of  
5 the substances in the soil so that they're  
6 bypassing natural processes, and something along  
7 those lines. But I think we can really, as a  
8 community, focus on the mined piece and sort of  
9 what we're comfortable with. But then when we get  
10 high solubility, I think we really want to align  
11 with established terms that are already out there  
12 in APFCO definitions, that are used by state  
13 departments of agriculture to regulate fertilizer  
14 labeling and truthfully win there.

15 MEMBER BRUCH: Thank you.

16 CHAIR POWELL-PALM: Thank you very  
17 much for your comments today, Nate. Since we just  
18 have a tad bit of time, I just want to hear, Nate.  
19 You're both a farmer, but also someone who's works  
20 with a lot of farmers. What's that ticket to  
21 seeing organic grow, to where I can go into any

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1 gas station in Montana, rural America where we  
2 don't have co-ops or nicer grocery stores, and  
3 people pluck fresh organic fruits and vegetables  
4 from the shelves?

5 MR. NATE LEWIS: Gosh, Nate. I think  
6 it's going to be do mean that's sort of do a cop  
7 out here, but it's going to really be  
8 site-specific, depending on the crops you're  
9 growing. Depending on, you know, what your goals  
10 are. But I think the recipe is going to be  
11 education of farmers, I think that's been brought  
12 up a lot about, you know, getting farmers  
13 comfortable with organic being option. I think  
14 distribution channels are obviously one of the  
15 major challenges and bottlenecks, and, you know,  
16 and then sort of reassigning how our government  
17 subsidizes food production. You know, there's a  
18 reason why Cheetos are cheap and organic apples  
19 are and part of it is it's more expensive to grow  
20 out organic apples, but also it's an alignment of  
21 priorities and resources.

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1                   CHAIR POWELL-PALM: I appreciate it,  
2                   yes. I think we've been hearing. All right.  
3                   Thank you for your comments today. Next up, we  
4                   have Ken Dallmier, followed by Emily Brown Rosen,  
5                   and then Maddie Kempner. Ken, please go ahead.

6                   MR. DALLMIER: Well, thank you.  
7                   Following Doug and Nate, that's quite a -- quite  
8                   shoes to fill. And one thing for Doug, we are  
9                   exceedingly jealous in Illinois, that he's seeding  
10                  out in Montana. And we actually have a little bit  
11                  of rain going on today in Illinois. So good  
12                  afternoon and thank you for the opportunity to  
13                  present our insights to NOSB. I'm Ken Dallmier  
14                  and the president of Clarkson Grain Company in  
15                  Cerro Gordo, Illinois. Clarkson Grain provides  
16                  organic and non-GM corn and soy beans to global  
17                  and domestic food markets. We also provide  
18                  organic and non-GM soy lecithin which is used as  
19                  a food ingredient in consumer products from  
20                  chocolates to infant formula. The \$60 billion  
21                  value of the organic market is unique and driven

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1 by the faith and trust in USDA or organic seal and  
2 the integrity of those who follow the production  
3 practices ascribed to that seal. We would submit  
4 three ideas to the NOSB to reduce the incident and  
5 incentives to fraudulent activities within that  
6 seal.

7 First, to improve domestic market  
8 demand, by tightly regulating the import of organic  
9 grain into the United States. Expand the  
10 harmonized tariff schedule codes to cover organic  
11 soy meal for feed and organic soy beans for oil  
12 stuck. Organic soy lecithin and organic sweeping  
13 grain for meal for feed. These new HTS codes will  
14 allow mass balance comparisons to highlight  
15 regions of imbalance and thus potential fraud.

16 Secondly, direct the USDA to utilize  
17 its recall authority for products not in compliance  
18 with the USDA organic seal on the label. A  
19 punitive fine, should be leveled on companies  
20 selling products found to be out of compliance with  
21 the organic seal.

22

1           Thirdly, we would require organic  
2           certificates to declare crop by acreage to  
3           establish a mechanism for mass balance. The  
4           grower would then have to balance production and  
5           sales equation with their certifier who would  
6           update the NOP integrity database. These action  
7           items enforce already existing regulations and  
8           norms of the U.S. organic market. They provide  
9           mechanisms and incentives to consistently apply  
10          their organic regulations across the globe,  
11          provided for action when fraud is suspected, and  
12          provide significant disincentives to running the  
13          risks inherent in a process system. USDA organic  
14          seal has grown from an idea into a \$60 billion  
15          marketplace. To continue that growth trajectory,  
16          a solid regulatory structure needs to be  
17          consistently applied across both supply and  
18          demand. By continuing to allow interpretation and  
19          implementation at a local level of those  
20          regulations, we risk losing that customer trust.  
21          Thank you very much for your time and your

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1 attention. And if there is extra time, I'm happy  
2 to field any questions.

3 CHAIR POWELL-PALM: Thank you very  
4 much for your comments today. Any questions from  
5 the Board? Amy, please go ahead.

6 MEMBER BRUCH: Yes. Thank you, Nate.  
7 Thank you, Ken, for your time today. I really  
8 appreciate it, and if you can send the rain our  
9 way. We'd love that -- anyway I want to --

10 MR. DALLMIER: Any time.

11 MEMBER BRUCH: I want to appreciate and  
12 recognizes your ideas just to deter fraud, I think  
13 the three that you brought up were pretty  
14 interesting. The numbers 3 is one that we  
15 currently are discussing amongst our subcommittee.

16 MR. DALLMIER: Yes.

17 MEMBER BRUCH: About just recognizing  
18 acres by crop on certificates and getting -- and  
19 we're getting today and Tuesday some great feedback  
20 from stakeholders. You had mentioned kind of that  
21 farmers and certifiers, inspectors can kind of work

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1 together to see that mass balancing. Do you as  
2 a purchaser of organic soy beans and corn feel that  
3 you could also get into that equation and do a quick  
4 mass balance if you see what a farmer is selling  
5 to you as to production if that's evident on the  
6 certificate?

7 MR. DALLMIER: Yes, of course. That  
8 would be on several layers, actually. On the first  
9 layer, organic integrity I think that that's  
10 self-evident. But as a buyer to make sure that  
11 in lean years that that balance is correct. In  
12 other words, we're not bringing in non-organic  
13 grain into an organic contract. And on strong  
14 years that we're looking at right now where in some  
15 cases, very early organic contracts are -- were  
16 consummated below the current non-organic price.

17 All of a sudden you have crop failure. Not saying  
18 that it's right or wrong, but it'd be a good way  
19 to check that. So I think there are many, not only  
20 on the organic integrity side, but I think on the  
21 business side, that would also be a very good

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1 business tool, on both the supply and the demand  
2 side.

3 CHAIR POWELL-PALM: Thank you for that  
4 question, Amy. If there aren't any other  
5 questions, I have one for you, Ken.

6 MR. DALLMIER: Yes, sir.

7 CHAIR POWELL-PALM: It sounds -- we've  
8 had several commenters note that oftentimes  
9 farmers don't have just one buyer. In the world  
10 of grain commodities, it seems like there's  
11 actually, oftentimes, growers selling one maybe  
12 to two different buyers, and lots of times buyers  
13 buy significant portions of a farm's production.

14 And so when you have growers come in, being able  
15 to spot check -- say they have ten trucks lined  
16 up at your elevator, being able to spot check does  
17 that math work out, do you think that would be a  
18 useful red flag to be able to go to possibly that  
19 grower certified and say it seems like there's a  
20 lot of grain coming in here compared to the acres,  
21 and just be able to crowd source concern?

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1                   MR. DALLMIER:    Short answer is yes.  
2                   The longer answer is you'd have to be a bit careful  
3                   about how you do that.

4                   CHAIR POWELL-PALM:   Yes.

5                   MR. DALLMIER:    But we know that, as  
6                   Nate brought up I believe, domestic, you know,  
7                   we're not -- our domestic house isn't lily-white  
8                   either.    So we need to make sure that in a  
9                   process-based system that there are checks and  
10                  balances.    And that system needs to work  
11                  cooperatively to ensure that the integrity of the  
12                  label on -- from the domestic side as well as from  
13                  the international import side is true.   And really  
14                  that's, to me, the single biggest risk of the value  
15                  of the USDA organic label, is that -- is loss of  
16                  that trust whether it be domestically or  
17                  internationally.

18                  CHAIR    POWELL-PALM:            Absolutely.  
19                  Thank you so much.

20                  MR. DALLMIER:    Thank you for your  
21                  question.

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1 CHAIR POWELL-PALM: I appreciate your  
2 time today and your insights. Any other questions  
3 for Ken from the Board? All right. Thank you,  
4 Ken.

5 MR. DALLMIER: Thank you very much.

6 CHAIR POWELL-PALM: Next up, we have  
7 Emily Brown Rosen, followed by Maddie Kempner, and  
8 then Margaret Scoles. Emily, please go ahead.

9

10 MS. BROWN ROSEN: Hello, I'm Emily  
11 Brown Rosen, Organic Research Associates, and I'm  
12 glad to be speaking with you-all this afternoon.

13 I'd also like to welcome all the new members to  
14 the board. It's great to see so many new faces  
15 and very well-qualified people. For those who do  
16 not know me, I work in organic certification,  
17 organic technical support, materials review for  
18 OMRI and then I ended up working at USDA NOP in  
19 the standards division for quite a few years. One  
20 of the issues I worked on there was the whole issue  
21 of inert ingredients and pesticides. And I helped

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1 facilitate the inerts working group which met over  
2 quite a few years starting in 2010 and we ended  
3 up with the group that included EPA, USDA, and NOSB  
4 members and ended up with a recommendation that  
5 went to the board that ended up being modified a  
6 bit and turned out to be the NOSB recommendation  
7 of 2015 to change the annotation on inerts as it  
8 is now. So that was a long process. I mean, it's  
9 been even longer processes since the year 2000  
10 trying figure out how to review inerts and organic.

11 And we still -- we're not really there yet. So  
12 I know you I -- really understand your problems  
13 and frustrations of trying to deal with this issue  
14 on distilled tall oil, which is -- which I commented  
15 on. I wanted to comment tot -- I need to make a  
16 correction in my written comments. I misquoted  
17 the EPA references there because I mistakenly  
18 looked at the 2010 technical review rather than  
19 2021 one. So basically it's not a very significant  
20 difference but I just want to point out in response  
21 to the discussion document question number 3 about

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1       how EPA classifies distilled tall oil. It is  
2       considered exempt from tolerance, as an inert  
3       ingredient and it's listed that 40 CFR 18910,  
4       18920, 18930 for pre and post service crop use as  
5       well as livestock use. The kind of -- you know,  
6       I had sort of said that it was -- in my previous  
7       comment, I said it was a lot of the active pesticide  
8       ingredient which is not true. It's listed there  
9       as an inert ingredient. However, all those typos  
10      and PPA, if they have a register, have a opening  
11      paragraph that acknowledges that these things are  
12      exempt from the requirement of a tolerance when  
13      used as an occasionally active ingredient. So it  
14      seemed a little bit ambiguous how EPA is  
15      considering them. The '21 technical review does  
16      mention some scientific research on the actual  
17      pesticide use as an active ingredient. However,  
18      the petition does describe it's used solely as an  
19      inert ingredient, used as a disinfectant, as a  
20      sticker, as a solvent, and that's really the  
21      purpose that you-all should be reviewing it for.

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1 But overall, the bigger problem here is the whole  
2 how to review inert ingredients at all, given that  
3 we've not moved forward with the changing  
4 annotation . I can add a little more, if you want.

5 Thank you.

6 CHAIR POWELL-PALM: Thank you so much  
7 for your comments today. Your name has come up  
8 several times as being an invaluable resource, so  
9 we really appreciate your participation. Brian,  
10 please go ahead.

11 MEMBER CALDWELL: Emily, thanks for  
12 your comments. I've been struggling with this  
13 whole differentiation between active ingredient  
14 and inert ingredient for the distilled tall oil  
15 and probably for everything else too. But in this  
16 case, it really looks from the research articles  
17 cited that show that distilled tall oil does have  
18 insecticidal efficacy. So does it make a  
19 difference if it's called an active ingredient or  
20 called an inert? That's the first sort of question  
21 there. And the second one is that the rates that

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1 are in the petition are relatively low rates and  
2 probably below what we would normally think of as  
3 active ingredient rates. And yet, the inert  
4 ingredients can be used in products for 99 percent  
5 of some products are inert. This is really  
6 confusing to me but if the petition says it's only  
7 used at a certain rate like 20 percent of product  
8 or something like that, but would the manufacturers  
9 of these pesticides be held to that or can they  
10 just say, well, it's just an inert ingredient, we  
11 can kind of use as much as we want? I don't know  
12 if you see what I'm asking here.

13

14 MS. BROWN ROSEN: Yes, I understand  
15 that. I think it's difficult, yes. I don't know  
16 if it really matters a lot that it's called inert  
17 or active because it does seem like there's -- they  
18 have both properties. However EPA has allowed it  
19 to be called inactive or inert, and so that means  
20 it's not on the label which makes it a lot harder  
21 for farmers or anybody to know that it's there.

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1 But the fact that it's, you know, the way we have  
2 -- since EPA recognized it as inert, and it  
3 functions on that registered pesticide as inert.

4 I mean they will look at the pesticides as you  
5 know case by case for each one. If they felt there  
6 was really an active ingredient it didn't qualify  
7 for inert then it wouldn't be on the label as  
8 inactive. So you -- I think by -- if you agree  
9 to put it on the list as an inert, that protects  
10 it from being used beyond that capacity in organic.

11 It would also have to be possibly separately  
12 listed as an active if you -- if somebody wanted  
13 to formulate it with -- and EPA decided it was an  
14 active ingredient, You know, I think that Kevin  
15 already knows, it's EPA's call on this, you know?

16 USDA doesn't really have a whole lot to say about  
17 how pesticides are labeled. So, you know, you  
18 really kind of need to work within the framework  
19 of EPA, but not step on their toes or else it's  
20 just not going to fly through the, you know,  
21 regulatory process. So I -- you know, in some ways

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1 it doesn't matter, but I think it kind of protects  
2 organic to call it inert but then have clear rules  
3 for what inerts are allowed. That's where the  
4 problem is now. It's like we've got, like OMRI  
5 pointed out in their comments, there is a lot of  
6 things on the old obsolete list for that are  
7 currently allowed in organic products that are very  
8 closely related to tall fatty acids and some looked  
9 like they might be worse somewhat might be better,  
10 but none of them have been reviewed by the NOSB.

11 So if we go forward with case-by-case review and  
12 then we also held all this force from sitting out  
13 there, it's going to be a very inconsistent list.

14 And you might see decisions that are made that  
15 are some are fair, some are maybe not so fair, based  
16 on, you know, of what time period they got allowed,  
17 and they're all being allowed. So that's why I'm  
18 just really hoping you can work within a periodic  
19 time to try get further action on this, and PR and  
20 change the rules so that everybody's, you know,  
21 following the same plan or the same rules to get

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1 approved and considered.

2 MEMBER CALDWELL: Well, thanks, Emily.

3 We may rely more on your expertise as we tried  
4 to weave through this, to me pretty densely  
5 incomprehensible process of understanding the  
6 inerts and how they're regulated. So really,  
7 really appreciate that. Thank you.

8 MS. BROWN ROSEN: Sir, you are  
9 welcomed.

10 CHAIR POWELL-PALM: I apologize. I  
11 knew I was going to mess up once, so thank you for  
12 your time and expertise today, Emily, really  
13 appreciate it.

14 MS. BROWN ROSEN: Thank you.

15 CHAIR POWELL-PALM: All right. Next  
16 up, we have Maddie Kempner and then Margaret Scoles  
17 and then we'll run through the list, see if folks  
18 who we missed may want to comment. Maddie, please  
19 go ahead.

20

21 MS. KEMPNER: Hi, Nate, and thanks

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1 everybody for your time today. My name is Maddie  
2 Kempner and I'm the policy director at the  
3 Northeast Organic Farming Association of Vermont.  
4 Our accredited certification program for Vermont  
5 Organic Farmers certifies nearly 800 farmers and  
6 handlers in Vermont. I really, really appreciate  
7 the work of the NOSB members and your dedication  
8 to organic integrity, especially on behalf of  
9 organic producers here in Vermont. And I first  
10 want to make a comment about hydroponics in  
11 organic. In Vermont, organic farmers are part of  
12 an informal group of certification, education, and  
13 policy organizations who agree that soil is the  
14 foundation of organic agriculture, and who strive  
15 to achieve consistency in our organizational  
16 policies and certification decisions.  
17 Specifically, we agree on the following: soil is  
18 the foundation of organic agriculture. And a full  
19 reading of OEFFA in the organic regulations  
20 requires that organic plants be grown in soil.  
21 Airponic, hydroponic, and crops grown to maturity

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1 in containers do not comply with OEFFA 6513-V1.

2 We can't achieve consistency in our policies and  
3 decisions until the NOP goes through the formal  
4 making process for greenhouse production standards  
5 which were recommended by NOSB nearly 20 years ago.

6 And we cannot achieve consistency in our policies  
7 and decisions until containers go through the  
8 process of NOSB discussion or recommendation and  
9 NOP rulemaking. The members in this group agree  
10 that the following crops grown in containers have  
11 historically been certified organic and should be  
12 allowed to be certified moving forward including  
13 sprouts, microgreens, spotter, transplants, and  
14 mushrooms. And we acknowledge they still -- these  
15 items still require NOSB discussion,  
16 recommendation, and rulemaking to improve the  
17 consistency of existing certification of these  
18 products. The 2010 NOSB recommendation on  
19 terrestrial plants in containers and enclosures  
20 should be used as a starting point.

21 To address these inconsistencies, we

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1       urge NOSB to activate the latent agenda item field  
2       and container -- excuse me, field and greenhouse  
3       container production.     And we would happily  
4       provide detailed input as to the forward movement  
5       of this agenda item with the shared goal of improved  
6       transparency and consistency and bringing us  
7       integrator alignment with the global organic  
8       movement, including the recent IFOAM position on  
9       hydroponics.

10

11               Secondly, I want to comment on the  
12       NOSB's proposal to limit use of nitrogen  
13       fertilizers with the C to N ratio of three to one  
14       or less to a maximum of 20 percent of a crop's needs.

15       NOFA Vermont and DOF support this proposal and  
16       even our producers would sometimes rely on these  
17       products during especially cold and wet  
18       conditions, support limiting their used to 20  
19       percent of crop needs.     And as a member of the  
20       policy committee of the Organic Farmers  
21       Association, I also want to provide some

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1 clarification on a comment you received from OFA  
2 earlier in this week's meeting. I want to share  
3 with the Board that while it has not yet been  
4 officially adopted by our farmer membership as an  
5 approved OFA policy, the policy committee has voted  
6 unanimously to support the NOSB's proposals to  
7 limit use of nitrogen fertilizers. And I will  
8 close by saying that personally, I really see both  
9 of these issues as critical to organic truly living  
10 up to what I think most people in our community  
11 aspire for it to be, which is not only climate smart  
12 agriculture as it might be defined by USDA, but  
13 a type of agriculture that represents a meaningful  
14 solutions for ecological and biological crisis.  
15 Organic farming should promote biodiversity  
16 below-ground, above ground, and at a landscape  
17 scale. And without healthy living soil as a  
18 foundation, the principles that led to the creation  
19 -- and I continued to guide so many of our  
20 producers and what they do every day will be  
21 rendered meaningless. Thanks.

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1                   CHAIR POWELL-PALM:    Thank you very  
2                   much for your comments.  Do we have any questions  
3                   from the Board?  Since we have a minute before our  
4                   last couple of commenters, I have a question for  
5                   you.  Could you just repeat that last two sentences  
6                   of your comments.

7                   MS. KEMPNER:  Do you want me to just  
8                   reread it to you or do you want me to like say from  
9                   my heart again?

10                  CHAIR POWELL-PALM:  Either way.  The  
11                  rendered meaningless part, I didn't quite catch  
12                  the whole thing.

13                  MS. KEMPNER:  Essentially my thought  
14                  behind them and why the issue of hydroponics and  
15                  highly soluble nitrogen fertilizers are important  
16                  to me and I think our community in our produces  
17                  in Vermont as a whole is these issues are really  
18                  tied to organic being based in the soil as a  
19                  foundational issue and that soil being sort of a  
20                  living, breathing biological organism that is the  
21                  basis of all life.  And without which, farming just

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1 happens as a system of inputs in and crops out.

2 That's not tied to our greater ecology as I think  
3 organic was intended to be. So I think, you know,  
4 by allowing the use of highly soluble fertilizers  
5 to a significant degree, and by allowing  
6 hydroponics, we're really removing farming from  
7 that broader ecological context, which I think is  
8 so important to organic really being a meaningful  
9 climate solution.

10 CHAIR POWELL-PALM: Thank you for  
11 that. Then my question for you would be: If we  
12 look at the total percentage of food coming from  
13 hydroponics versus all of the farmers producing  
14 soil-based foods like grains, dairy, forages, what  
15 is the balance we can strike for saying what we  
16 aspire the organic industry to be and how we still  
17 honor that -- not to toot my own horn, I was out  
18 seeding 16 hours a day. And the only reason I can  
19 be a farmer is because of organic or folks who have  
20 commented that they were able to come back to the  
21 farm because of organic. With these broad

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1 sweeping statements that something like HSN or  
2 hydroponics rendered everyone else's work  
3 meaningless. Would you expand on that a little  
4 bit and maybe clarify?

5 MS. KEMPNER: Yes. And I don't mean  
6 to say that it rendered everyone else's work  
7 meaningless. I think I just mean that it really  
8 goes against what I see is the foundational  
9 principles that led to the creation of OEFFA. I  
10 don't mean that the work that other folks are doing  
11 is meaningless, or that the work that producers  
12 who are still producing in the soil is meaningless,  
13 that's not what I mean to say at all. I just mean  
14 that if we ignore living soil as the foundation,  
15 it just really goes against those founding  
16 principles. And in some ways renders those  
17 principles potentially meaningless if we go down  
18 this road of moving toward a system of agriculture  
19 that's really dependent on outside inputs in that  
20 way, if that makes sense.

21 CHAIR POWELL-PALM: It does, it does,

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1       yes.    Thank you for that clarification.    All  
2       right.   Well, thank you so much for your comments  
3       today.    I appreciate it.    Next up, we have  
4       Margaret Scoles and then our last commenter today  
5       is going to be Kris Klockenga.    So Margaret, please  
6       go ahead.

7                   MS.   SCOLES:       Thanks.       Margaret  
8       Scoles,    International    Organic    Inspectors  
9       Association.   Members of the NOSB, NOP, friends,  
10      and colleagues, my comments today are different  
11      from our written comments submitted.   IOIA is a  
12      leading    worldwide    training    and    networking  
13      association for organic inspectors.   I'm here to  
14      express gratitude.   More than a year ago Dr. Tucker  
15      published a human capital memo, you the, NOSB  
16      opened it up for public comment by making it a  
17      discussion document in 2020 leading to the  
18      recommendation which provided the foundation for  
19      the NOP to release a request for applications and  
20      funding to address human capital concerns.   All  
21      of this work paved the way for a very important

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1 initiative. At the spring NOSB meeting 2021, IOIA  
2 announced our new apprenticeship intensive program  
3 to help onboard inspectors faster and more  
4 effectively.

5  
6 Apprenticeship, the lack of was  
7 consistently identified as one of the biggest  
8 barriers to a professional career path, partnering  
9 with Organic Valley, IOIA will deliver livestock  
10 apprenticeship, intensive training this year.  
11 Everyone agreed that human capital was a critical  
12 issue. This lack of diversity among organic  
13 professionals with another concern. NOP released  
14 funding a little more than six months ago only.

15 IOIA is privileged to be a partner in four of the  
16 projects funded. The impact on our community has  
17 been astounding. Here are some of the things that  
18 have happened. IOIA was funded to develop an  
19 inspector apprenticeship tool kit that other  
20 organizations could use to help recruit and train  
21 new inspectors. I spent last week in Kentucky as

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1 co-trainer for a very diverse cohort of crop  
2 inspection training participants, we removed the  
3 barrier of cost. They did not pay to participate.  
4 As for several additional questions to avoid  
5 screening out diverse participants and targeted  
6 new and diverse audiences. We work with regional  
7 organizations to reach new audiences. And with  
8 the University of Kentucky and Kentucky State  
9 University to develop robust curriculum. Most  
10 participants were under 35, many were smaller scale  
11 farmers. Three of 17 were African-American. All  
12 were happy to help ground truth the training  
13 concepts. Crop apprenticeship intensive is  
14 coming up in Kentucky in just a few weeks with many  
15 BIPOC applicants. Through a project led by  
16 Organic Farmers Association, many DEI training  
17 opportunities have been offered. The five  
18 partners, including IOIA, each had the opportunity  
19 to take on a BIPOC intern. IOIA's young  
20 African-American intern is training to become an  
21 organic inspector, or reviewer, or both. Oregon

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1 Health used a project where universities are  
2 identifying gaps in existing organic curricula and  
3 creating resources to fill some of those gaps, and  
4 more internships through OSU. The Organic  
5 Integrity Cooperative Guild is developing a new  
6 inspectors cooperative model, so much of a  
7 different landscape than one year ago. It's  
8 fantastic to see our sector working together.  
9 Thank you.

10 CHAIR POWELL-PALM: Thank you so much  
11 for your comments. Any questions for Margaret?  
12 I'm going to chastise myself preemptively from  
13 making a comment since it's not as much a question,  
14 but I just wanted to say that oftentimes we focus  
15 a lot on what's going wrong in our industry and  
16 I think there's a lot that's going right. But I  
17 think this is an especially exciting moment to have  
18 identified such a noticeable issue barrier,  
19 impending crisis, as we look to keep the human  
20 capital resources we have in the industry, and the  
21 work that IOIA has done through the NOP I think

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1 has made a real impact already. And I think seeing  
2 the folks who have commented today and on Tuesday,  
3 we can see that there's a breakthrough with who  
4 is able to participate in the organic industry.

5 And I think that's going to make us more relevant  
6 but also more resilient in the future. So thank  
7 you for your work.

8 MS. SCOLES: Thank you. And I hope you  
9 saw the chat from an NOSB member who had that intern  
10 as a graduate student.

11 CHAIR POWELL-PALM: Yes. Dilip has a  
12 question for you real quick.

13 MEMBER NANDWANI: No. Sorry. It's  
14 not a question, actually. I, kind of, privately  
15 messaged to Margaret that he was my student.

16 CHAIR POWELL-PALM: Okay.

17 MEMBER NANDWANI: Just wanted to say  
18 that and --

19 CHAIR POWELL-PALM: Fantastic.

20 MEMBER NANDWANI: So since I asked  
21 that, can I ask that -- so African-American

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1 students, and there are a lot of African-American  
2 farmers who are minority farmers and I deal with  
3 them almost every day. Do you say it's a good sign  
4 that African-American also whether students or  
5 trainees are coming to get this inspection training  
6 and it's -- I think it's a good sign, isn't it?

7 MS. SCOLES: I definitely think it's  
8 a good sign.

9 MEMBER NANDWANI: Thank you for your  
10 comments. I appreciate it.

11 MS. SCOLES: Thanks.

12 CHAIR POWELL-PALM: Liz has a question  
13 for you.

14 MEMBER GRAZNAK: I was just curious to  
15 know -- so you said that you received some funding  
16 from NOP. Did I hear that correctly?

17 MS. SCOLES: Right.

18 MEMBER GRAZNAK: Yes. How long is the  
19 funding stint, how long is it for?

20 MS. SCOLES: It's just a one year  
21 project.

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1 MEMBER GRAZNAK: Yes.

2 MS. SCOLES: And it finishes in  
3 September. So it -- during this year, we're  
4 developing a tool kit for apprenticeship. And  
5 that includes some training with groups that are  
6 selected to run through it and give evaluation  
7 feedback, and hopefully improve the final product  
8 of the tool kit.

9 MEMBER GRAZNAK: And what about for  
10 future years, how do you see being able to afford  
11 doing this work? Say next year without the  
12 funding?

13 MS. SCOLES: We do think there's going  
14 to have to be some government support, and there's  
15 a lot of different ways it could go. Because an  
16 intensive apprenticeship intensive that takes a  
17 whole year and takes small groups of five or six  
18 people to four farms, it's very expensive compared  
19 to -- people say now sometimes basic training is  
20 expensive. It's actually very cheap compared to  
21 what it costs to do this type of training which

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1 we feel like is a really viable learning option  
2 but making it affordable. We are investigating  
3 partnering with universities and maybe with  
4 apprenticeship.gov which is a program that you can  
5 develop apprenticeship that is supported partially  
6 by the government. And we think that people should  
7 pay something to take the training. These people  
8 are not paying anything, but we do believe there  
9 should be participation to commitment and  
10 hopefully certification agency are actually -- are  
11 likely as they currently send a lot of people to  
12 basic training, they would probably pay part of  
13 the cost to put new inspectors through the program.

14 Because it takes a lot of work to onboard a new  
15 inspector if it's a way to do it efficiently and  
16 more effectively, that means that it isn't  
17 expensive, it's a good bargain. Thanks for your  
18 question.

19 MEMBER GRAZNAK: Sure. Thank you.

20 CHAIR POWELL-PALM: Any other  
21 questions for Margaret? All right. Really

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1 appreciate your time and work Margaret. Thank  
2 you. Lastly we have Kris. Kris, are you on the  
3 line?

4 MR. KLOKKENGA: Yes, I am.

5 CHAIR POWELL-PALM: All right.  
6 Please go ahead.

7  
8 MR. KLOKKENGA: Hi. My name is Kris  
9 Klokkenga. I will apologize that I missed my time  
10 slot earlier because I didn't realize you were on  
11 a different time zone than I'm in. So I'm located  
12 in Central Illinois and halfway between Chicago  
13 and St. Louis. I am an organic farmer here, and  
14 I wanted to speak regarding the regulations for  
15 importing organic grain from other countries. I  
16 have -- my previous experience, I worked in Ghana,  
17 West Africa from 2008 to 2016 for two years with  
18 an agricultural processor specifically processing  
19 shea nuts and then for the next six years, I had  
20 my own farm there where I grew two crops of corn  
21 for four years basically. And so just -- I just

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1 want to speak with the -- to the integrity a little  
2 bit, of how grain from those other countries and  
3 just wanted to give an opinion that it can be very  
4 -- just seeing -- I didn't work specifically in  
5 the organic atmosphere when I was there, but just  
6 wanted to say that the integrity that is practiced  
7 in developing countries can sometimes be  
8 questionable. The other thing for me is just in  
9 regards to being able to have markets. Since I'm  
10 in Central Illinois, I try to practice a robust  
11 crop rotation used in corn and soy beans primarily,  
12 but also wanting to grow alfalfa, barley, oats,  
13 and especially when it comes to marketing my small  
14 grains in my location, even though they help me  
15 on my -- with my rotation and my soil health, I  
16 feel like when we bring in grain from other  
17 countries, then that hinders the local farmer or  
18 the domestic farmer, organic farmer here in the  
19 United States. And so I also recognize that if  
20 you're going to have regulation for the internet,  
21 I would also speak that it's not only necessary

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1 to have regulations for the importing of grain,  
2 but also for domestic end-users that they're able  
3 to take notice of, you know, the delivery, the  
4 traceability every time that I submitted a load  
5 of grain, I've submit a bill of lading. How are  
6 those being used, and what in what ways are they  
7 traced through the process? So I just want to  
8 thank you for your time here today to listen to  
9 me, and be happy to take any questions if you have  
10 them, but just want to also just reiterate that,  
11 I just think that it's necessary to have those  
12 regulations in place and I would employ yes, we  
13 try to, you know, limit the amount of organic grain  
14 that can be important in the United States.

15 CHAIR POWELL-PALM: Really appreciate  
16 you taking the time to speak with us today. Any  
17 questions for Kris from the Board? Amy, please  
18 go ahead.

19 MEMBER BRUCH: Sure, Kris, thanks for  
20 your time today really appreciate it. Bring up  
21 a couple of big topics on integrity and market

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1 viability. The question you mentioned at the end  
2 about those with lading. Have you ever seen on  
3 your reconciliation form that you or your  
4 settlement sheet that you received from your grain  
5 buyer any indication of your lot number, your lot  
6 tracking system?

7 MR. KLOKKENGA: In my settlement  
8 sheets that I received, I have not seen that. I  
9 deliver grain to or I supply grain to three or four  
10 end-users and I have not I of course we have to  
11 submit a bill of lading each time, but outside of  
12 me having that bill of lading, I'm not sure what  
13 -- so the answer to your question is no.

14 MEMBER BRUCH: Thank you. That's  
15 definitely something that we'll be talking about  
16 in our upcoming board meetings so I appreciate your  
17 input.

18 MR. KLOKKENGA: Yes.

19 CHAIR POWELL-PALM: Thank you. Yes.  
20 Kim, please go ahead.

21 MEMBER HUSEMAN: Hi, Kris, thank you

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1 for your comments today. Maybe small follow-up  
2 from Amy's question about BOLs. Does your  
3 certifying body reconcile your acres and yields  
4 for you on an annualized pieces?

5 MR. KLOKKENGA: Yes. Every year the  
6 certifier that I use goes through this mass balance  
7 has to be calculated, then that has to come into  
8 a certain, whatever is an acceptable range for them  
9 after I provide them all of my settlement sheets.

10 MEMBER HUSEMAN: So you do provide that  
11 your settlement sheets to your certifying body?

12 MR. KLOKKENGA: Yes, I provide -- so  
13 I -- my yes, I do. They require all of that. But  
14 from the settlement sheets, there's no place on  
15 there that you're seeing my reference bill of  
16 lading number to my -- to the best of my knowledge.

17 MEMBER HUSEMAN: Thank you.

18 CHAIR POWELL-PALM: So if I may offer  
19 just one clarification question on that real quick.

20 So you have all of your settlement sheets from  
21 your buyer, you have all the bills of lading you

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1 submitted, but there's not really connector  
2 between them other than your name?

3 MR. KLOKKENGA: Other than my name and  
4 the load numbers that go, you know, I mean, like  
5 -- so the way that I do it is that I state my contract  
6 number and then load number. So load number 1,  
7 I know that that was the first date that, you know,  
8 and then your dates would march up there to  
9 everything. If you delivered two in a day, then  
10 you'd be able to see that, but that is how -- that's  
11 one way for them to reconcile that.

12 CHAIR POWELL-PALM: Sure. Thank you.  
13 Dilip, do you have a question?

14 MEMBER NANDWANI: Yes. Very quick.  
15 Thank you for your comments, Kris, really  
16 appreciated your thoughts. This is a quick  
17 question. We've been hearing a lot about the, you  
18 know, this incubatory and fraud and organic buses,  
19 you know, conventional. So do you know or do you  
20 have any tools or your certifier which can test  
21 or identify versus conventional methods? I know

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1       that there are some tools which you can use to  
2       detect genetically thing and GM and some of the  
3       contamination.  But other than that, are you aware  
4       of that?  Thank you.

5                   MR. KLOKKENGA:  Thank you, Dilip, for  
6       your question.  I am not -- the only way that I  
7       am aware -- I mean, I don't think that you could  
8       -- if my neighbor grew non-GMO soy beans and tried  
9       to market them as organic, I don't know that there  
10      would be any way that one could differentiate that.

11      I'm not aware of any test except a non-GMO test,  
12      but maybe something else exists.

13                   CHAIR POWELL-PALM:  Thank you.  Kim,  
14      please go ahead.

15                   MEMBER HUSEMAN:  I'm going to ask one  
16      more follow up for Kris and it's a slightly  
17      different topic.  But you had mentioned earlier  
18      about growing crops to feed the soil and the  
19      systemic nature of your organization or it were  
20      your crop rotation --

21                   MR. KLOKKENGA:  Right.

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1                   MEMBER HUSEMAN:    -- you know, the  
2                   livestock group and this is reason why I'm bringing  
3                   this up is part of our research priorities.  
4                   Because to your point, corn and soy are the backbone  
5                   to feeding any livestock in the U.S., whether it's  
6                   organic or conventional.  But we know that's in  
7                   order to create the holistic system that other  
8                   grains, other legumes, other seed need to be  
9                   introduced into the soil, but there's always the  
10                  hindrance from a marketing standpoint.  Can you  
11                  elaborate on some of the marketing hindrances or  
12                  resources that you might be to have found to be  
13                  hopeful to help market some of the other small  
14                  grains.  Oats, or barley, or sunflowers, or, you  
15                  know, alfalfa just, can elaborate in that space  
16                  if you would, please?

17

18                  MR. KLOKKENGA:  Okay.  So this was my  
19                  first year and growing alfalfa and I'm growing  
20                  alfalfa for my benefit to introduce a different  
21                  hormone into the soil to hope help with weed control

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1 the following year. So I'm doing oats and alfalfa  
2 one year as a nurse crop in the alfalfa. So one  
3 of the ways that I marketing that which I have not  
4 been able to market my alfalfa organically because  
5 I am in such -- in Central Illinois here, I'm in  
6 such a livestock deficit. There's almost no  
7 livestock around me. So what I found myself doing  
8 is I'm traveling then 120 miles south to St. Louis  
9 where I'm trying to meet and I found this on  
10 hayexchange.com is just so I'm not if I'm just using  
11 a website there to try to get my product marketed,  
12 but I don't really have a connection to figure out  
13 where the organic farmers in my area that could  
14 use that. So I don't have access to that. And  
15 then so that's one. And then like barley, this  
16 year with my barley, it's first time for me growing  
17 that and I'm going to go ahead and probably reach  
18 out to the gentlemen that sold me the seed and find  
19 out, you know, where can I go with that? But like  
20 also on my oats -- the oats I'm growing, they're  
21 not -- I'm not growing those organic oats, because

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1 I've just -- the only place that I've been able  
2 to find to market my oats, is to a seed company,  
3 that just wants me to grow oat seed for them and  
4 since nobody else in our area really participates  
5 in a lot of oats growing, you won't find it much  
6 in Central Illinois. They're happy to have me even  
7 though they're organic. I just saw them to them  
8 as a non-organic oat, even though it's produced  
9 organically.

10 MEMBER HUSEMAN: Thank you. This is  
11 an area, I think, where we are seeing more focus  
12 needing to be put. It's really high on my radar  
13 and having input it from you and other farmers in  
14 the space is really important. So I really  
15 appreciate your time.

16 MR. KLOKKENGA: Yes. Well, thank you.  
17 I hope that you're able to find better ways for  
18 us to market the products that we produce.

19 CHAIR POWELL-PALM: Javier has a  
20 question for you.

21 MEMBER ZAMORA: Kris, thank you so much

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1 for your comments and I feel that your feelings  
2 express that there is no clear method that is being  
3 utilized to identify where the fraud is happening.

4 And I, as a grower, I hear a lot of people, you  
5 know, bringing the subject, but what do you have  
6 -- do you have an example of how to really identify  
7 these things? Do you think testing will probably  
8 just take care of it as a fellow member alluded  
9 to earlier? Instead of -- because it seems like  
10 paperwork has a greater chance to be, you know,  
11 kind of falsified and be creative with. So what  
12 do you see? How can this Board make things easier  
13 to identify where something out of order is  
14 happening?

15 MR. KLOKKENGA: I just think that --  
16 so I don't have -- there's not one great idea that  
17 I'm -- that I can give you. But one thing that  
18 I would say is this, if you could have some kind  
19 of way that you are going to require that each  
20 person, like for the bill of lading example, like  
21 me as a grower that I sell to the next elevator

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1       who processes my grain and sells it onto a corn  
2       tortilla manufacturer, that they might be able to  
3       -- that you might be able to streamline that process  
4       amongst the producer, the middleman, and the  
5       end-user so that that could be done. I don't know  
6       that you're going to find -- I don't know what test  
7       to tell you to do and I'm not familiar with that,  
8       but I would just say streamlining that process and  
9       maybe just giving -- I don't know if you would call  
10      that all the paperwork that we do is antiquated,  
11      but maybe just finding out more of a helpful way  
12      using technology to be able to streamline that  
13      process. And, again, I'm sure that that would --  
14      there's -- fraud can happen in that way as well,  
15      but something being able to go from the producer  
16      to the end-user and maybe having some way that they  
17      can identify that. Thank you.

18                   CHAIR POWELL-PALM: Thank you so much  
19      for fielding all these questions, Kris. Really  
20      appreciate your time today. Well, I'm -- and like  
21      I said, several times before, the farmer

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1 perspective is invaluable. So thank you for  
2 making the time and taking it out of your schedule.

3 MR. KLOKKENGA: Thank you.

4 CHAIR POWELL-PALM: All right, folks,  
5 we've made it to the end of day 2, so that concludes  
6 today's public comment webinar and I can't thank  
7 everyone enough for taking the time out of their  
8 days to join us. This is what makes our community  
9 great and I'm really excited for next week's  
10 meeting. If there are any closing questions or  
11 comments from the Board, we can fill them now,  
12 otherwise, we will let you all to your day. All  
13 right. Well, thank you again, everybody.

14 MR. KLOKKENGA: Thank you.

15 MEMBER CALDWELL: Thanks, everybody.

16 MEMBER HUSEMAN: Thank you.

17 CHAIR POWELL-PALM: Jared Clarke

18 MEMBER ZAMORA: Adios.

19 CHAIR POWELL-PALM: All right. So  
20 thank you for the slides and next week's NOSB  
21 meeting, hope you all are there too. It's going

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1 to be start on Tuesday, April 26 at noon Eastern  
2 and anything you'd like to say about that,  
3 Michelle?

4 MS. ARSENAULT: No. I think you're  
5 good. The link to join the meeting is on the NOSB  
6 meeting webpage. It's also at the top of your  
7 agenda.

8 (Whereupon, the above-entitled matter  
9 went off the record at 4:38 p.m.)

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UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

SPRING 2022 MEETING

+ + + + +

TUESDAY  
APRIL 26, 2022

+ + + + +

The Board met via Videoconference at  
12:00 p.m., Nate Powell-Palm, Chair, presiding.

PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- JERRY D'AMORE
- CAROLYN DIMITRI
- ELIZABETH GRAZNAK
- RICK GREENWOOD
- KIM HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER
- JAVIER ZAMORA

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NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Committee Specialist

JARED CLARK, National List Manager

DAVID GLASGOW, National Organic Program Associate  
Deputy Administrator

ERIN HEALY, Standards Division Director

ANDREA HOLM, Materials Specialist

DEVON PATTILLO, Standards Acting Assistant  
Director

DR. JENNIFER TUCKER, National Organic Program  
Deputy Administrator; Designated Federal Officer

ALSO PRESENT

SEAN BABINGTON, Senior Climate Advisor, USDA

ADAM CHAMBERS, Scientific Lead for Environmental  
Markets, Natural Resources Conservation Service  
(NRCS)

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1 P-R-O-C-E-E-D-I-N-G-S

2 (12:00 p.m.)

3 MS. ARSENAULT: Our attendees are  
4 jumping up again here. Welcome, folks. So I think  
5 we'll get started. Good, Nate. Ready to get  
6 started?

7 MR. POWELL-PALM: Let's do it.

8 MS. ARSENAULT: All right. So  
9 welcome, folks. It's day one of the National  
10 Organic Standards Board spring meeting. If you  
11 are -- attendees are in listen only mode, so you  
12 will not have access to your mic or a camera. The  
13 chat is enabled, however, so feel free to chat in,  
14 say hello, let people know where you're calling  
15 in from. And you can chat with each other, and  
16 you should be able to chat with everybody or one  
17 person if you so choose.

18 Chats are not part of the public record.  
19 So if you're asking questions of the board, we  
20 won't be answering those questions, and it won't  
21 be part of the record. We do have a  
22 transcriptionist on the line with us, and we do

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1 have the live transcripts enabled. So if you go  
2 to the bottom part of your Zoom task bar -- might  
3 be at the top for you -- you will see the -- you'll  
4 see the CC button or the live transcript button.

5 You can keep it on or turn it off if you don't  
6 care to watch it, and you can also adjust the font  
7 size by using the carrot next to the CC button.

8 You can customize your own view in Zoom  
9 as well. So where -- we'll be sharing slides in  
10 the main panel. You can make everything smaller,  
11 bigger, using the view button, which is in the upper  
12 right-hand side of your Zoom window. You can  
13 tailor it to what you want to see. The webinar  
14 is being recorded, and we will post the transcript  
15 on NOP website as soon as the -- it's available,  
16 which is usually a couple of weeks after the  
17 conclusion of the NOSB meeting. All right.  
18 Jenny, I'm going to turn it over to you to get us  
19 officially started.

20 DR. TUCKER: All right. So welcome.

21 And good morning. Good afternoon. And good  
22 evening. Wherever you are, I know we have folks

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1 from across many, many time zones today. Thank  
2 you all for being here. My name is Jennifer  
3 Tucker. I'm the Deputy Administrator of the  
4 National Organic Program. Welcome to all of our  
5 National Organic Standards Board members and our  
6 public audience.

7 After two successful public webinars  
8 last week, I am really glad to be with you these  
9 three days. I'd like to again, acknowledge and  
10 celebrate our four new board members, Liz Graznak  
11 from Missouri, Alison Johnson from California, Dr.  
12 Dilip Nandwani from Tennessee, and Javier Zamora  
13 from California. They started their work on the  
14 Board this spring. I'd like to give them all a  
15 round of a Zoom applause. So if you're at home,  
16 you can wave your hands into the camera and that's  
17 how we applaud on Zoom.

18 So this webinar continues our public  
19 meeting that started on April the 19th and runs  
20 through April 28th. Meeting access information  
21 for all meeting segments is posted on the NOSB  
22 meeting page on the USDA website. Transcripts for

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1 all segments will be posted once completed.

2 This meeting, like other meetings of  
3 the Natural Organic Standards Board, will be run  
4 based on the Federal Advisory Committee Act and  
5 the Board's policy and procedures manual. I will  
6 act as the designated federal officer for all  
7 meeting segments. Let's take a look at the agenda,  
8 and I will introduce the NOPT.

9 First, the agenda. We are meeting from  
10 12:00 to 5:00 Eastern today, tomorrow, and  
11 Thursday, with an hour break in the middle of each  
12 day. Today, the board chair and secretary will  
13 get us started. We'll have two USDA guest speakers  
14 to talk about the Department's work on climate  
15 smart agriculture. We will follow that with an  
16 NOP update, and an NOP, NOSB discussion.

17 Then we'll move into subcommittee work,  
18 which will extend all the way into Thursday with  
19 closing activities and a look ahead. So turning  
20 to team introductions, I thank the national organic  
21 program team. Michelle Arsenault is our advisory  
22 board specialist. Michelle, you've now been with

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1 us in the Board ten years, correct?

2 You're nodding, that's an amazing ten  
3 years. So her dedication to this work and to  
4 members over ten years makes a real difference in  
5 the organic sector. So Michelle, thank you.  
6 Let's all give Michelle a huge hand for ten years  
7 of service to this board.

8 I am also grateful for the leadership  
9 of our standards division director Erin Healy.  
10 Erin's leadership has been greatly appreciated as  
11 we have added and on-boarded new staff in standards  
12 this year, and we've moved a lot of rules ahead.

13 So I've been very grateful to have her in that  
14 role.

15 Jared Clark is our national list  
16 manager and continues to do amazing work in  
17 supporting the world -- the board, advancing rules  
18 quickly, providing endless expertise on a variety  
19 of national list questions, and just being an all  
20 around really nice person and good guy. So Jared,  
21 glad you're here.

22 Andrea Holm is one of our three material

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1 specialists in the program, has been doing fabulous  
2 work helping us present our work effectively on  
3 webinars like this. Andrea is always in the  
4 background, getting people promoted in this  
5 system, figuring things out, chatting with us on  
6 the side, on the things we need to pay attention  
7 to.

8 She's also been leading a special  
9 project to overhaul our petition substances  
10 database. And I believe that's going to be rolled  
11 out quickly. But she's really spearheaded that  
12 in recent months. And as -- I think it's going  
13 to be a great service once launched.

14 And we have Devon Pattillo, who is  
15 currently our acting standards assistant director,  
16 and has worked extensively on current livestock  
17 roles, as well as many, many other briefing memos  
18 and documents. So thank you so much. So big  
19 applause to the NOPT. It takes a lot of people  
20 to make these meetings happen, and genuinely  
21 appreciate all of their support.

22 Next, Nate Powell-Palm, the Board

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1 Chair, will introduce board members. All of these  
2 representatives devote hours and hours of  
3 volunteer time to serve the organic community.  
4 Most have not even met each other face to face yet,  
5 and yet are doing wonderful work together. So  
6 let's give the Board a full round of applause and  
7 appreciation. Thank you, Nate, in advance, for  
8 a great meeting. And I now turn it over to you.

9 MR. POWELL-PALM: Thank you, Jenny.  
10 Really appreciate it. I think this is one of the  
11 more -- the most fun parts of the meeting is to  
12 get to know the board members a little bit. So  
13 I'm going to call on folks in alphabetical order.

14 And if you would just give a little bit of  
15 background on what you do in the organic industry.

16 If you're a farmer, what you grow. If you're in  
17 another sector, kind of how you came to organics,  
18 and what your everyday looks like would be great.

19 Also, where are you? What state do you  
20 hail from? And I think that gives everyone a  
21 little bit of a glimpse into the folks who are  
22 serving on the board right now. To get kicked off,

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1 we have Amy Bruch, and then Brian Caldwell will  
2 be next. So, Amy, please go ahead.

3 MS. BRUCH: All right. Thanks, Nate.

4 Hi, everybody. My name is Amy Bruch. I serve  
5 in the farmer's seat for the NOSB. I'm a sixth  
6 generation farmer and president of my family  
7 farming operation located in east central  
8 Nebraska. We grow a variety of different organic  
9 row crops -- organic and transitioned to organic  
10 grow crops, including blue and white corn for chips  
11 and tortillas, soy beans, small grains, pulses,  
12 oil seeds.

13 And in our operation is all irrigated.

14 In addition to my family farm experience, my  
15 background is ag engineering. I've had 20 years  
16 in various agribusiness opportunities, including  
17 food production and farm management, both in  
18 several states and overseas as well. Very happy  
19 to be here and to be able to serve on the Board.

20 Thank you.

21 MR. POWELL-PALM: Grateful for your  
22 service and your time. Brian is going to be next,

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1 followed by Jerry.

2 MR. CALDWELL: Hey, everybody. Brian  
3 Caldwell. I am serving in a public interest and  
4 consumer interest seat on board. Sponsored by  
5 NOFA New York -- the Northeast Organic Farming  
6 Association of New York, that helped me get into  
7 this august body. And I'm retired from Cornell  
8 University, where I did research on organic farming  
9 for quite a few years. And I've had a small farm  
10 the whole time, even when I was working.

11 And now that I'm retired and I'm kind  
12 of focused more on the farm. I can't imagine how  
13 I did it all in my spare time back in the past,  
14 but I did, somehow. But we've been certified since  
15 1986, and started out with vegetables. But now  
16 it's pretty much converted all over to fruit and  
17 nut crops. We're in central New York state. And  
18 I guess that's it. Thank you very much.

19 MR. POWELL-PALM: Thank you, Brian.  
20 Appreciate your service to the Board and your  
21 insights. Jerry's up next, followed by Carolyn.

22 DR. TUCKER: Jerry, you're muted.

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1                   MR. D'AMORE: Thank you. May that be  
2 the last time today. I was just telling Nate that  
3 he had thrown me a monkey wrench because when I  
4 was doing the bulk of my owning and operating of  
5 production facilities that we didn't have the  
6 order.

7                   MS. ARSENAULT: Jerry, you're a little  
8 faint. I can barely hear you.

9                   MR. D'AMORE: I don't know how to fix  
10 that unless I just talk up.

11                  MR. POWELL-PALM: That better,  
12 definitely.

13                  MR. D'AMORE: Okay. I thank -- thank  
14 you. I've been involved in the growing and  
15 marketing of fruits and vegetables for nearly 50  
16 years now. My start was in Saudi Arabia in the  
17 mid '70s, where I built and operated hydroponic  
18 farms on the Wadi Hanifa. For much of the '80s,  
19 I built, owned, operated both NFT and inert medium  
20 based hydroponic farms growing local profile  
21 crops, and buying crops, primarily tomatoes,  
22 peppers, cucumbers, and lettuces.

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1           And at the point where I was doing that,  
2           there was not an organic label. That was the point  
3           that I was trying to make earlier. I then moved  
4           to Turkey for six years with my family and  
5           represented Chiquita in the Black Sea region,  
6           including Bulgaria, Romania, Ukraine, and Russia.  
7           And by the end of the '90s, I settled in California  
8           and dedicated much of my time to berry crops for  
9           the next 22 years. Thank you very much, pleasure  
10          be with all of you, and thanks.

11           MR. POWELL-PALM: Thank you, Jerry.  
12          Next up we have Carolyn, followed by Rick.  
13          Carolyn, please go ahead.

14           DR. DIMITRI: Thank you. I'm Carolyn  
15          Dimitri. I'm a professor at New York University.  
16          I'm an applied economist. Before I joined the  
17          NYU faculty, I was an economic researcher at the  
18          Economic Research Service of the Department of  
19          Agriculture. I sit in a consumer seat, and I have  
20          fairly extensive research, applied economic  
21          research body on the post farm segment of the  
22          organic sector. And I'm happy to be here. As well

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1 as a consumer of organic food, and a supporter of  
2 organic food, thank you.

3 MR. POWELL-PALM: And those numbers  
4 are important. Your research helps all of us  
5 communicate what organic says and what it means.

6 So thank you for your work. Next up, we have Rick,  
7 followed by Liz.

8 MR. GREENWOOD: Okay. Well, hello  
9 everyone. Rick Greenwood, I'm in the  
10 environmental seat. Long time faculty member at  
11 UCLA in environmental health and epidemiology.  
12 Have been a certified organic avocado grower for  
13 about 15 years in Southern California, a  
14 medium-size farm, sort of a -- average for  
15 California. But the real problem we face, and I'm  
16 everyone has seen it, is drought. It's really  
17 devastating, in particular, the avocado grow,  
18 because they take so much water to grow.

19 But I came to this because my interest  
20 actually in science based public policy, and I also  
21 did a three-year term on the Haas avocado board  
22 as part of AMS. So happy to be here. Also the

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1 longest serving member, and the only member whose  
2 actually been to an actual live meeting. So  
3 looking forward to getting back to that in -- when  
4 we go up to Northern California. So thank you.

5 MR. POWELL-PALM: Thank you, Rick. We  
6 appreciate you being this bridge to everything that  
7 is in-person for us. Since yes, we have 14 folks  
8 who have never served on the Board at a public  
9 meeting, and Rick. All right, next up we have Liz,  
10 followed by Kim. Liz, please go ahead. Oh,  
11 you're still muted Liz

12 MR. GREENWOOD: How about that?

13 MR. POWELL-PALM: Great.

14 MS. GRAZNAK: My name is Liz Graznak.

15 I am in Central Missouri, and I'm a brand new board  
16 member, also serving in the environmental  
17 protection seat. I run and operate a small scale,  
18 about 11 acres, very highly diversified certified  
19 farm in Missouri. I have a CSA, community  
20 supported agriculture program. I sell 50 weeks  
21 a year at a farmer's market. It's the largest  
22 growers-only market in the state of Missouri. And

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1 first generation farmer. So yeah. That's what  
2 I do. I'm a farmer.

3 MR. POWELL-PALM: So we are very  
4 excited for your input, and thank you for your  
5 service. Next up is Kim, followed by Mindee.

6 MS. HUSEMAN: Good morning from  
7 Colorado. My name is Kimberly Huseman. I sit in  
8 a handlers seat. I am coming into my third year  
9 on the organic board. Got to meet some of my fellow  
10 -- call them classmates at an introduction meeting  
11 right before everything went virtual. So very few  
12 people have I actually been able to spend time with,  
13 and I'm looking forward to our fall meeting in order  
14 to shake people's hands.

15 I work for Pilgrims. I have developed  
16 and I manage our organic ingredient procurement  
17 team. Been with the company for a little over  
18 eight years. We're a large scale poultry  
19 production, mostly across the Southeast, with  
20 specific dedicated organic production in North  
21 Carolina.

22 I've previously worked in both the

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1 conventional and the organic sectors, whether it  
2 be feeding animals, where I also grew up on a large  
3 scale farming and ranching operation in southeast  
4 Wyoming, where we had about 300 head of cow-calf  
5 pairs, row crops, and alfalfa that fed into the  
6 dairy market here in northern Colorado. Decided  
7 to be on the board for another year, and looking  
8 forward to all the things yet to come in the second  
9 half of our tenure.

10 MR. POWELL-PALM: I cling to that intro  
11 meeting we all had with our class also, because  
12 it's our one proof that we're all real.

13 MS. HUSEMAN: That's right.

14 MR. POWELL-PALM: Thank you for your  
15 time and service, Kim. Next up we have Mindee,  
16 followed by Allison.

17 MS. JEFFERY: Thank you. My name is  
18 Mindee Jeffrey. I'm in northern California,  
19 serving in the retailer seat. I spent about 20  
20 years around different organic retailing  
21 environments. Worker-owned co-op, a co-op, a  
22 co-op of retailers, but most of that time at Good

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1 Earth Natural Foods in northern California. And  
2 sort of oddly got lucky in the pandemic in the  
3 changing of jobs.

4 I was able to move over from doing a  
5 lot of organic education in the stores for the  
6 consumers and the retailers to running their  
7 compost program. So I get to spend -- go three  
8 days a week in the stores and come back to the farm  
9 and learn about nutrients, and inputs, and row  
10 crops. So I'm super excited to be on the board.

11 And I spent five years on the California Organic  
12 Products Advisory Committee, which really taught  
13 me a lot about how to listen to all sectors of the  
14 organic stakeholder community, and really learned  
15 a lot in that environment, really helping me in  
16 this environment. So thank you.

17 MR. POWELL-PALM: Thank you so much.

18 Your voice is invaluable. So thank you for your  
19 time and service. Next up, we have Allison,  
20 followed by Dilip.

21 MS. JOHNSON: Hi everyone. I'm  
22 Allison Johnson. I'm in the public interest

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1 consumer seat, and I'm based in Oakland,  
2 California. I've spent my career in sustainable  
3 food systems kind of broadly, and I started in  
4 organic as a handling certifier at CCOF, back in  
5 my hometown of Santa Cruz, California. And after  
6 a few years there, kind of surveying the landscape  
7 and the challenges that our members face, I decided  
8 to go to law school to learn legalese and figure  
9 out how to wrangle our policy beast to better  
10 support all the people who I was interacting with  
11 every day.

12 So I currently work at the Natural  
13 Resources Defense Counsel tending to do policy  
14 advocacy, and change our policies to support  
15 organic and sustainable agriculture. I'm not a  
16 farmer, but a plant enthusiast, and I'm about to  
17 put in my first fruit trees ever. So I'm very  
18 excited about that, and happy to be here with you  
19 all.

20 MR. POWELL-PALM: Thank you for your  
21 time and service, we really appreciate your  
22 insights. And you're about to be a farmer, so get

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1 ready for that crown. Once that's -- once those  
2 fruit trees go in. Next step, we've got Dilip  
3 followed by by Logan.

4 DR. NANDWANI: Good morning. My name  
5 is Dilip Nandwani. I'm a professor at Tennessee  
6 State University and I do research, extension, and  
7 teaching in organic agriculture. My primary  
8 responsibility is to work with small farmers. So  
9 the research I've been doing in organic vegetable  
10 production and the fruits, as well as training to  
11 the farmers on organic certification process and  
12 regulations since almost ten years here in  
13 Tennessee.

14 I'm based in Nashville, and we do have  
15 a certified organic farm for research, education,  
16 and extension purpose where students, they come  
17 and do their research projects. And farmers, they  
18 come, producers, they come a small farm expo, and  
19 lot of things that extension events we do at the  
20 farm. As well as I teach a small kind of a course  
21 on organic agriculture principles. So far,  
22 organic agriculture as well as sustainable

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1 agriculture. And I have a few books on organic  
2 agriculture, sustainable agriculture, and all  
3 that.

4 Prior to Tennessee, I was in the US  
5 Virgin Islands, beautiful island, where I was also  
6 teaching horticulture and organic agriculture.  
7 I've been working with minority growers in Virgin  
8 Islands and here in Tennessee. And prior to Virgin  
9 Islands, I was in American Pacific or Micronesia.

10 Only few people didn't know that we have a land  
11 grant college in American Pacific. So those are  
12 beautiful islands, I spent almost 10 years there.

13 Even before this organic seal came into existence  
14 in '90s, I spend there.

15 I'm serving on Tennessee Organic  
16 Growers Association, we call it TOGA board, as well  
17 as Southern Cover Crops Council board, SCCC, which  
18 is a regional board. I'm in Southern Nashville,  
19 so located in southern here in Tennessee. My  
20 primary research, as I mentioned, fruits and  
21 vegetables, basically production issues, dealing  
22 and helping farmers.

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1 I do serve on the chair on Organic World  
2 Group and International Society of Horticultural  
3 Science, on subtropical and tropical fruits, which  
4 I just give up as soon as I got on NOSB. And also,  
5 I served as a chair for organic horticulture in  
6 American Society for Horticultural Science. I'm  
7 glad to be here, very honored. Thank you.

8 MR. POWELL-PALM: It's with no small  
9 amount of pleasure that we get to say -- when we  
10 have a question for Dilip, he literally wrote the  
11 book on it. So we're really grateful for your time  
12 and expertise. Next up, we have Logan Petrey,  
13 followed by Kyla Smith.

14 MS. PETREY: Hi, I'm Logan Petrey.  
15 I'm in the farmer seat, fourth generation farmer  
16 as conventional farmers go, so I'm first generation  
17 with organics. I currently am a farm manager for  
18 Grimmway Farms in the southeast. It's their only  
19 operation here, and we're actually in north  
20 Florida. And just to echo Rick's statement about  
21 the water crisis that could be in California. So  
22 Grimmway is looking to go in other regions and we

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1 are -- we're here. We're trying it out. It's very  
2 different from California, for lots of different  
3 reasons.

4 But we -- our main crop here is carrots.

5 That's what carrots supply. I didn't know that,  
6 until I got Grimmway. We grow different produce  
7 from where I grew up, but -- and so among the care,  
8 it's of course organic. You have a lot of  
9 different rotational crops, including other veg  
10 items, corn, soybeans, peanuts, beans, you know,  
11 those things. And so again, trying to figure this  
12 out, and excited to be here and to represent  
13 Grimmway, which is one of the largest organic  
14 vegetable growers in the country. So thank you.

15 MR. POWELL-PALM: Thank you so much,  
16 Logan. We're really grateful to have your voice  
17 on this board. So thank you for your time and  
18 service. Next up, we have Kyla Smith, followed  
19 by Wood.

20 MS. SMITH: Thanks, Nate. Hi,  
21 everybody, my name is Kyla Smith. I'm serving in  
22 the certifier seat. My day job is -- has me --

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1 that I've been working with Pennsylvania Certified  
2 Organic, which is a USDA accredited certifier,  
3 based in Pennsylvania, but we certify across the  
4 US, but mostly up and down the East Coast. I'm  
5 currently serving in the certification director  
6 role there, but I've done almost every job. It's  
7 like I -- it's what I like to say. I've done  
8 inspection, policy work, review work, and I've been  
9 in certification for almost 20 years.

10 And I look forward to going to an  
11 in-person meeting for sure, because I've been a  
12 long time NOSB groupie, and so have attended lots  
13 of meetings over the year, but on the other side  
14 of the table. So I look forward to being with you  
15 all in Sacramento. And I'm just, yeah, excited  
16 to be working with Nate and Mindee in the leadership  
17 of the Board, as I'm serving in the secretary role  
18 currently, and it's been super fun.

19 And I'm just hoping to bring the  
20 certifier voice into these conversations, as we're  
21 the ones that have to sort of figure all -- most  
22 of these things out, all the rules and how they

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1 actually apply, boots on the ground. So sort of  
2 that conduit between the producer and the program.

3 And so we aim for consistency. I'm a cross  
4 certifier, and so the work that the Board does is  
5 super important to try to inch that needle towards  
6 consistency everyday. So thanks for allowing me  
7 this honor of being in this role. It's fun.

8 MR. POWELL-PALM: The honor's ours.  
9 Thank you for stepping up and serving as -- in the  
10 secretary seat, but also on the board. You -- your  
11 voice is incredibly valuable, and we really  
12 appreciate your time. Next up is Wood, followed  
13 by Javier.

14 MR. TURNER: Hey, everyone. I'm Wood  
15 Turner, and I'm also thrilled to be in my third  
16 year of this kind of unique public service that  
17 we call the NOSB. It's been an incredible  
18 experience for me so far. I am the head of Global  
19 Impact for environmental and social impact first  
20 for agriculture capital, and I'm based in Berkeley,  
21 California. We're a grower, packer, shipper of  
22 blueberries, hazelnuts, citrus, and table grapes,

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1 specifically. And relevant to this work is our  
2 roles in organic blueberry and table grapes  
3 producer.

4 I'm trained as an environmental planner  
5 and designer. I grew up in rural North Carolina,  
6 but I spent my career in Washington State, New  
7 Hampshire, and California. Focused on and spent  
8 my career 30 years -- goes by really fast, really  
9 -- 30 years focused on sustainability, spanning  
10 the non-profit consulting and then more recently  
11 with building purpose driven brands.

12 I -- previously to joining agriculture  
13 capital and moved to California, I was in New  
14 Hampshire leading sustainability of personal farm.

15 So have experience in permanent crops, but also  
16 in the dairy world. And I'll try my best to bring  
17 that experience today on this work every day. So  
18 thanks.

19 MR. POWELL-PALM: We really appreciate  
20 your time and input. I think as part of our --  
21 Kim, and my, and Wood's original class, I really  
22 am grateful that I got to meet you in person and

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1 excited to see you again in the fall. Lastly, is  
2 going to be Javier, and then I will finish us out.

3 MR. ZAMORA: Hi, good morning to all  
4 of you. Buenos dias. Javier Zamora from  
5 beautiful Wattsonville. This is my ten. That's  
6 farming, not really Cancun. This is truly an honor  
7 for me to be on the farmer's seat for the NOSB.  
8 I am a first generation farmer in America,  
9 probably fourth generation coming out of Mexico,  
10 from my parents.

11 I grow strawberries, raspberries,  
12 vegetables, flowers, all certified organic through  
13 CCOF here in beautiful Santa Cruz. And it's --  
14 I'm bringing just the experience of boots on the  
15 ground on a daily basis. I was actually moving  
16 boxes this morning before I came in the office to  
17 be in front of you. My hope is that I can represent  
18 the small mid-size grower, especially the Latino  
19 farmers that are -- they need a little more help  
20 bridging the gap that exist these days among the  
21 farming communities, especially organic. Muchas  
22 gracias.

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1                   MR. POWELL-PALM:   And thank you for  
2                   your time and contributions, Javier.   I think  
3                   every time I get the chance to reflect on our board,  
4                   I always come back to how incredible it is.   The  
5                   expertise that we all bring, and how rich the  
6                   dialogues are that we have.   And from farmers,  
7                   actually in the field, jumping on calls from the  
8                   cell phone -- myself being one of those -- to folks,  
9                   who can really bring the insights into how we can  
10                  prove this incredible movement that we're all part  
11                  of.

12                  I sit in real gratitude to you-all.  
13                  So my name is Nate Powell-Palm.   I'm based out in  
14                  Bozeman, Montana, and behind me is my last year's  
15                  crop of field peas.   We raise yellow peas, and  
16                  flax, and durham, as well as beef cattle and  
17                  forages.   For about ten years, I've also served  
18                  as an organic inspector, inspecting in about 41  
19                  states, doing a little more than 3,000 inspections  
20                  around the country.

21                  And there's been moments as a farmer  
22                  and as an inspector that I really appreciate folks

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1       like Kyla keeping this whole band wagon together  
2       as a certifier, because it is a heavy lift. As  
3       we dive in today, I think that there's a lot of  
4       really great things for reflect upon, which I'll  
5       save for in just a bit. But I wanted to just  
6       express my most sincere gratitude to my fellow  
7       board members.

8                   It's a volunteer position. Everyone  
9       shows up with all of their expertise and hard work,  
10      and I can't think of -- I don't think I'll ever  
11      have a greater honor than the chance to serve on  
12      this board with this group. So really grateful  
13      that we get to do it together. And with that, we  
14      are going to toss it over to Kyla for the  
15      secretary's report.

16                   MS. SMITH: Thanks, Nate. The minutes  
17      were provided to all the board members well ahead  
18      of the meeting for review. And so asking now, do  
19      you have -- or do you accept the meeting minutes  
20      from October 2021 of the NOSB meeting as they are  
21      written, or are there any corrections? I see no  
22      corrections. So with that, we can call the minutes

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1 from the October 2021 NOSB meeting approved, and  
2 I will hand it back to you, Nate.

3 MR. POWELL-PALM: Thank you. We're  
4 doing great on timing, wow, right to the minute.

5 So I -- I'm always grateful for the chair's report  
6 opportunity. I was thinking back to my  
7 predecessor's really insightful report on how  
8 we're doing as a board, but ultimately, where we  
9 need to go to harness this incredible movement that  
10 we're all part of. So as I was thinking about what  
11 I'd like to share with you all about the state of  
12 the board and about my vision that I hope we're  
13 able to see come to fruition.

14 A little bit of background on my  
15 experience with organics. So I somehow convinced  
16 my parents when I was 12 that they should buy me  
17 three bred cows so that I could be a rancher. And  
18 while they said, we don't have the money to buy  
19 them for you, you can go out and get a loan to buy  
20 them yourself. And somehow the Montana Department  
21 of Agriculture said, sure, we'll give a 12-year-old  
22 a loan. And that's, I think, an example of

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1 government working really well.

2 So I was able to get this loan that  
3 allowed me to buy three bred cows and start my small  
4 cow-calf operation. We really quickly -- I  
5 learned that three bred cows was not going to make  
6 a career, even for a 12-year-old at the time. And  
7 I needed to figure out where is there more value.

8 Where is there a way that I could be realizing  
9 more value for the products, the food that I'm  
10 creating.

11 And so I got hooked up into the the world  
12 of organic through a couple of ladies, about an  
13 hour from me, who made organic chicken feed. And  
14 they introduced me to this world that folks just  
15 do things differently. They take care of each  
16 other differently. They take care of the land  
17 differently. And so building on that, I've been  
18 able to ultimately realize this career in  
19 agriculture that I was always a little shaky on  
20 if it would actually come to be.

21 While doing that in building my  
22 operation, I had the chance to see a lot of

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1 operations in action as an organic inspector. And  
2 so for 10 years, I saw this promise of organic lived  
3 out in factories and on farms across America. What  
4 does organic food mean for everybody? And I think  
5 when I look at how lucky I've been to be able to  
6 start a first generation operation that provides  
7 a living for myself, that's something that I've  
8 tried to figure out.

9 What is it that makes it possible for  
10 me to pass this on, to not only the next generation,  
11 but the next five years? How do we keep this going  
12 in a way that folks like myself can realize these  
13 opportunities? First generation farmers,  
14 historically disadvantaged farmers. How do we  
15 make it so that organic is this vehicle to creating  
16 a world of agriculture that we also believed in?

17 When I first got the call from Jenny  
18 saying that I had been appointed to the Board, one  
19 thing that immediately popped into my mind was,  
20 maybe this isn't such a good idea to serve. It's  
21 a big deal, it's a big job, but it's also pretty  
22 contentious. You know, I've heard nothing but the

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1 stories of board members being like, oh, man. I  
2 don't know why I did this. This is a lot of work.

3 This is not a lot of love for -- from the community  
4 when it comes to making these hard decisions.

5 And so I went into my service with that  
6 in the back of my mind, how do we ultimately realize  
7 the potential of this board? And I think I  
8 realized it over the course of these three years  
9 so far through incredible collaboration. And I  
10 don't know if I've just lucked out and my fellow  
11 board members are folks who look around every day  
12 and say, how do we really take the opportunity we've  
13 been given as members and as leaders of the organic  
14 community, and make some change?

15 And so again, I thank all of you, my  
16 fellow board members, for the incredible hard work  
17 that you've put in making this beast happen. When  
18 we look at the potential of organics and the  
19 potential of this collaboration, I also look around  
20 to our place in fighting climate change. When we  
21 consider the potential that organic has to be the  
22 climate smart solution, we're really looking at

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1 26,000 certified operations and many thousand  
2 more, who are potentially transiting to organic,  
3 as folks who have in their own power in the soil  
4 beneath their feet, in the practices they use on  
5 the farm, the potential to really scale up a real  
6 meaningful fight against climate change.

7           And I think one thing when I look around  
8 -- and I realize I'm on the younger side of board  
9 chairs. But when I look around, I do think we have  
10 very little time. We don't have time to be ever  
11 fighting amongst ourselves. We don't have time  
12 to be doing anything but looking really straight  
13 ahead, figuring out where is the collaboration and  
14 where is the opportunity to pull together towards  
15 this shared vision -- the shared, hopeful future  
16 reality.

17           And I think we're doing that on NOSB  
18 right now, which is why every time I call into one  
19 of our subcommittee calls, I'm really excited.  
20 I think in the past year, we've had a lot of new  
21 members come on and each one of those members has,  
22 I think exceeded everyone's expectations for how

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1 much better we can get with every single new member.

2 And what we can realize as a team.

3 And I think that we'll see over the next  
4 few days that we are crushing it. There is a lot  
5 of hard work, hard decisions being made, and folks  
6 are bringing their very best writing, their very  
7 best debates to this discussion. When looking  
8 back at the fall meeting, I think an example of  
9 our deep and really healthy collaboration was the  
10 vote on ammonia extracts, that we were able to have  
11 a tough debate and really hear all sides and have  
12 folks walk away feeling like, we were heard, and  
13 this is nothing but an opportunity to grow.

14 We were able to have something that I  
15 thought was, you know, possibly a point of fissure  
16 for the community, ultimately get worked out, get  
17 voted upon, realized fairly good unanimity, and  
18 leave each other still texting each other high  
19 fives. That this is still something we all want  
20 to be a part of. This is still something that is  
21 meaningful to all of us.

22 So I think when we talk about what we

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1       perceive as existential crises in organic, I think  
2       we all want to remember that this is still so worth  
3       protecting. No matter how hard the debates, no  
4       matter what we deem our wins or our losses, the  
5       movements, the creation of the organic standards  
6       is something we can all agree upon is worth fighting  
7       for and worth defending, and ultimately worth all  
8       of our time and our expertise.

9               So as we move in today, we're going to  
10       have a lot of discussions about how we improve  
11       organics, and we're going to have some really great  
12       debates about where we think it should go. But  
13       at the end of the day, I am really grateful to you  
14       all, my fellow board members, for taking such an  
15       exceptional professional approach to this work and  
16       making it so that we all feel safe, we all feel  
17       heard, and, especially we feel like we're doing  
18       the best we can to make meaningful change. So I  
19       realize I'm a little bit ahead of schedule, but  
20       with that, I would like to hand it back to Dr.  
21       Tucker.

22               DR. TUCKER: Nate, thank you so, so

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1 much for those comments, and thank you to all the  
2 board members. Yeah. Let's give Nate a round of  
3 applause. Thank you, Jerry. Very, very, very  
4 nicely put. And a true honor to work with all of  
5 you. I'm so glad we take the time to do the board  
6 introductions at the beginning of this process.

7 It is an exercise in democracy, but also for me,  
8 humility of seeing the backgrounds of this board  
9 and the talent that you bring to the table, so thank  
10 you very, very much.

11 And Nate, I'm really glad that you  
12 talked a bit about climate and climate smart  
13 agriculture. The first part of the NOP update here  
14 is going to be listening to a couple of folks from  
15 USDA talk about climate smart agriculture. So I  
16 can see a flurry of activity in the background.

17 We're trying to get the first speaker on, and so  
18 Sean Babington will be joining us, hopefully in  
19 just a second here. He is the -- a senior climate  
20 advisor for USDA and is in very, very high demand  
21 across the department, so we're giving him a couple  
22 of minutes to log in.

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1 MR. BABINGTON: I'm here.

2 DR. TUCKER: Yeah. Okay. So let me  
3 give the formal introduction then for Sean, it's  
4 great to have you here. Sean is the USDA senior  
5 climate advisor. He works to help farmers and  
6 ranchers address the challenges they face as a  
7 result of climate change. He works across  
8 multiple mission areas within USDA, hence making  
9 him a very busy guy, to find solutions that help  
10 operations adapt, become more resilient, and  
11 mitigate problems.

12 Sean previously handled committee  
13 business pertaining to forestry, pesticides, and  
14 climate change for the US Senate Committee on  
15 Agriculture, Nutrition, and Forestry. He also  
16 served as a senior policy advisor for Energy and  
17 Natural Resources, and is an adjunct lecturer for  
18 Georgetown University's environmental studies  
19 program. So John -- or Sean, we're so grateful  
20 to have you here today. Welcome to the NOSB  
21 meeting.

22 MR. BABINGTON: Thanks, Jennifer.

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1 It's really great to be here and I appreciate the  
2 -- the kind introduction and -- and the invitation  
3 to spend a few minutes with you all. So I was  
4 thinking, I'm just going to give sort of a handful  
5 of minutes on sort of how, from my perspective of  
6 the department, you know, USDA wide sort of  
7 approaching climate smart agriculture.

8 And, you know, with a little bit more  
9 attention paid to how organic systems fit into  
10 that, and, you know, maybe talk a little bit about  
11 some of our work going forward that we're carrying  
12 forward across mission areas. Obviously, many  
13 folks are familiar with our partnerships for  
14 climate smart commodities program, which I'll talk  
15 a little bit about. But also want to talk about  
16 some of our other work.

17 And then just sort of, you know, I'll  
18 close and note that there might be a little bit  
19 of a statement or some feedback that folks want  
20 to share with me. But more than anything, just  
21 thank you. Appreciate your collaboration. I  
22 see, just scrolling through really quickly, some

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1 old friends here I spent a dozen plus years on the  
2 hill most recently, as Jennifer mentioned, working  
3 for Chairwoman Stabenow. And it's great to be back  
4 in touch with folks and have these opportunities.

5 So I think, you know, I'll start out  
6 sort of macro level, you know, broadly speaking,  
7 you all know this agriculture, forestry rural  
8 America are actually uniquely affected by a warming  
9 climate, and climate change, and the impacts that  
10 we're seeing. But also uniquely positioned to  
11 really be a meaningful part of the solution here  
12 to help on the mitigation side.

13 And with the right policies and  
14 incentives, us in the secretary's office and across  
15 USDA, I think we feel that climate smart  
16 agriculture, forestry sort of rural clean energy  
17 solutions that the department can help promote,  
18 can really create new -- both new revenue  
19 opportunities for producers, but also just  
20 strengthen rural communities that we're really  
21 thinking about all the time at the department here.

22 You know, one thing that the secretary

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1 I think is particularly eloquent on, is, you know,  
2 it's not just an opportunity to think about  
3 additional revenue opportunities, but it's also  
4 an opportunity to think about sort of flipping the  
5 traditional energy and sort of climate discussion  
6 on its head a little bit. Right now, we see, you  
7 know, a lot of the resources, and the energy, and  
8 excitement, and the investment on the coasts and  
9 in urban centers.

10 And historically, we've seen natural  
11 resources, whether they be fossil fuels, or fiber,  
12 or whatever taken off the land, taken from rural  
13 areas, shipped to urban areas to see that value-add  
14 happen outside of those rural communities that the  
15 raw materials were derived from. And I think that  
16 this notion of how do we drive climate smart  
17 production, climate smart commodities, and the  
18 value-add that we can drive there, can help with  
19 some of that reinvestment in rural communities that  
20 we all care about so much.

21 So the department, you know, the  
22 Biden-Harris USDA under Secretary Vilsack's

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1 leadership has really embarked upon an across the  
2 department effort on climate. We're thinking not  
3 just about traditional conservation programs and  
4 traditional farmer facing programs, but really  
5 everything that we do. We're looking at policies  
6 that are voluntary, flexible, led by producers.

7 As you all know, if the policies we're  
8 promoting don't work for producers, they're not  
9 going to work for the climate, right? We need to  
10 meet folks where they're at and think about this  
11 from grassroots bottom-up, rather than a top-down  
12 approach. And all along the way and everything  
13 we're doing in climate, we're thinking about  
14 scientific and rigorous monitoring, greenhouse gas  
15 accounting. Those are some of our north stars,  
16 right? We need to make sure that we're checking  
17 our math and that we're thinking about this in a  
18 very science based way.

19 And while we're doing that, we want to  
20 make sure that everyone has an opportunity to  
21 benefit here. We're not just talking about large  
22 row crops in the Midwest, right? We're talking

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1 about small and medium size farmers, organic  
2 production systems, conventional, large and small  
3 specialty crops. And really the diversity not  
4 just of crops and regions that USDA serves, but  
5 the diversity of producers.

6 Underserved and folks that have --  
7 historically USDA had not done a terribly good job  
8 of serving are a really meaningful part of how we  
9 think about climate. So we're really excited  
10 about all this. I've mentioned that we're not just  
11 thinking about, you know, our traditional  
12 conservation programs or just working through  
13 NRCS. We're thinking about our research agencies.

14 We're thinking about international  
15 opportunities.

16 Some folks may know that the secretary  
17 launched the agricultural innovation mission for  
18 climate last year, and we have many partners across  
19 the globe who are really thinking about, how do  
20 we redouble that investment in agricultural  
21 research and innovation that can drive a lot of  
22 these practices that we want to see on the ground?

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1       We joined something called the Global Methane  
2       Pledge, which is a really important part of all  
3       this climate work. Folks think about carbon as  
4       the only thing we're thinking about here. But when  
5       we talk about ag, we think about methane and nitrous  
6       oxide and there's a really important body work  
7       going on there.

8               As many of you know, the USDA is home  
9       to the Forest Service. We've got a robust body  
10      of work happening over with our friends at the  
11      Forest Service, some of you may have seen that the  
12      President Biden signed an executive order last  
13      Friday on Earth Day for -- pertaining to  
14      strengthening our forests, including looking at  
15      how we preserve our -- some of our most carbon-rich  
16      forest. Our old-growth and mature stands across  
17      our National Forest System, but also just across  
18      the country.

19             So there's a big body work going there.

20      And then we do get to our traditional conservation  
21      programs administered by NRCS and FSA, and thinking  
22      about how we can really orient and point those

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1 towards climate smart outcomes in a way that is,  
2 again, based on existing relationships and  
3 existing body of work. And then what I alluded  
4 to earlier, the partnerships for climate smart  
5 commodities program.

6 As many folks know, and there's been  
7 a fair amount of interest in this, certainly a ton  
8 of interest and even a lot written about it, but  
9 the secretary in February, went to Lincoln  
10 University of Missouri in Jefferson City, Missouri  
11 and 1890s HBCU, and announced this \$1 billion  
12 partnership for climate smart commodities program.

13 We are right now, accepting applications for this  
14 program. The first deadline is coming up at the  
15 end of next week, May 6.

16 And we're really looking to provide  
17 targeted grant funding to meet the national and  
18 global demand for climate smart commodities, and  
19 expanding the market for these commodities. We  
20 think that there is an important role for USDA to  
21 play in developing this new market. And while  
22 we're thinking about applications for this, we're

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1 really looking at folks to show their math. I  
2 mentioned this a little earlier, but monitoring  
3 verification, reporting is going to be a very  
4 important part of it.

5 And it's a very flexible program,  
6 right? We've got a wide range of public and  
7 private entities, farm groups, states,  
8 non-profits, businesses, tribal governments,  
9 higher education institutions, right? Our land  
10 grant universities, all eligible to apply. And  
11 we -- really, I want to emphasize this, see organic  
12 producers being an important part of both this  
13 program and our broader climate work, and hope that  
14 you all see yourselves in this broader work.

15 There are so many great lessons and  
16 tools, you know, and so many people on this call  
17 and across the broader community. Just such  
18 leaders in sustainable agriculture, and  
19 cultivating those tools and that expertise that  
20 can really, really benefit us in this broader  
21 climate discussion that we're having right now.

22 So, you know, a few specifics and I know

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1 you won't know this. I just want to say it out  
2 loud. Some of the things that organic does best  
3 that organics, you know, it's part of the program,  
4 right? Improving water quality and minimizing  
5 erosion; crop rotations and cover cropping to  
6 promote ecological balance and conserve bio  
7 diversity; a whole host of things that you all are  
8 such experts in on improving soil health, which  
9 in turn stores more carbon.

10 Those are all critical, critical  
11 knowledge bases and sets of practices for us as  
12 we think about the Department's work on climate  
13 and how to scale up some of this climate smart  
14 agriculture work across the country. So again,  
15 I just wanted to say one, thank you again for having  
16 me. We at the department feel that organic  
17 producers are a really critical part of this  
18 discussion, and really have such expertise we're  
19 really, frankly, going to need as we move forward  
20 on this.

21 So we're really looking forward to  
22 continuing to work with you-all. Our colleagues,

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1       certainly at the National Organic Program, but the  
2       Board and others in this space. Learning from  
3       you-all and moving forward together on this really  
4       important climate discussion.

5               Jennifer, unless I missed anything, I  
6       think I'll wrap it up and just, again, say thank  
7       you. Again, great to see some friends on the  
8       screen here. If you're ever in the Whitten  
9       Building, please stop by, darken my door here, and  
10      I'll wrap it up and let you all continue with your  
11      meeting.

12             DR. TUCKER: Sean, thank you so much.  
13      We would like to give the board chair just an  
14      opportunity to say a couple of words back that the  
15      board is really engaged in, in the climate  
16      agriculture -- climate smart agriculture  
17      discussion. So, Nate, you want to take the mic  
18      for a couple of minutes here.

19             MR. POWELL-PALM: Sure. Sean, thank  
20      you so much for joining us today. This is really  
21      -- is a meaningful connection for us all to have  
22      this conversation in one spot. So really want to

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1 say, thank you for your time. I was just so stoked  
2 when we saw the announcement for the \$1 billion  
3 for climate smart commodities. One thing that I  
4 would -- I -- in reading the text, it sounds like  
5 the goal of the program is to ultimately identify  
6 those practices that are climate smart, but then  
7 help us foster a marketplace so that producers can  
8 ultimately realize a private market solution to  
9 making sure that they can get a premium for climate  
10 smart commodities.

11 As we roll through some of the more  
12 specifics that we're looking at at practices, like  
13 nitrogen usage that you mentioned, reducing NOx,  
14 and soil carbon sequestration. I think that  
15 there's been sort of an underselling of organics  
16 as far as what we can bring to the table, having  
17 already created this marketplace that rewards  
18 farmers for these practices.

19 So when we look at NOx, I know that  
20 there's a lot of precision agriculture trying to  
21 figure out how do we reduce it and use it, right?

22 Organics doesn't use it at all. And so when we

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1 think about how quickly we can make these strides,  
2 looking to organic as a leader on nutrient  
3 management, because we are only using those inputs  
4 that are available on farm, or select inputs off  
5 farm. In looking at tillage, oftentimes soil --  
6 organic gets kind of a bum rap for tillage.

7 But when we look at the entire rotation,  
8 oftentimes, organic is tilling less than  
9 conventional, because we usually have a perennial  
10 phase in the rotation, where we're able to realize  
11 several years without any steel in the ground.  
12 Manure management, we have inspectors on the ground  
13 monitoring for manure voluntarily from producers  
14 opting to be certified organic.

15 So I think the biggest thing that we're  
16 wondering about and hoping to engage on is how do  
17 we have USDA recognized organic as a climate smart  
18 practice. That seal being married right away to  
19 that claim that companies who are looking to invest  
20 in ESG and companies trying to figure out where  
21 do I put my climate smart supply chain efforts,  
22 my investment dollars.

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1           I think we're at sort of shaky spot  
2 right now because a lot of practices that are  
3 inherent to organic are being elevated, celebrated  
4 as a cover crops, NOx reduction. But all of that  
5 is already existing in organics, and we already  
6 have a marketplace. So we need to put some numbers  
7 behind organics. I realize that, and that's  
8 definitely the goal of engaging in the \$1 billion  
9 for climate smart solutions.

10           But on a broader base, I was wondering  
11 if you had any input on how we could better message  
12 that we've got five percent of the food market  
13 already signed up, ready to go in this marketplace  
14 that has all the infrastructure built. We have  
15 consumer confidence, we have a regulatory system,  
16 we have deep public investments, and it seems like  
17 it's a right fit for what this Climate Smart  
18 Commodities Program is looking to do.

19           So is there a way we can see organic  
20 as a fire to which we need to just add gas to try  
21 to get it bigger and bigger. And I realize with  
22 climate change, we do not have any time for us

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1       versus them.       This is not organic versus  
2       conventional.   It's just hoping that we might be  
3       we'll say, here's one example of everything being  
4       done right.   And if you-all want to copy, that's  
5       great.   If we want to add, you know, the confidence  
6       that USDA acknowledging organic as climate smart  
7       solution would really help companies invest and  
8       grow this market that we know has pretty solid legs.

9                   MR. BABINGTON:   Yeah, thanks, Nate.  
10       And I really, one, just appreciate the perspective  
11       and sort of the candor, but also the constructive  
12       approach that you just took in all of that.   I think  
13       it isn't us versus them, right?   It's too important  
14       of an issue, and it's too urgent to say it's not  
15       organic or conventional.   It's not big mess --  
16       Midwestern row crops versus specialty crops in  
17       California.   It's got to be all of us, and we got  
18       to move forward together on this stuff.

19                   I do think to your point about, you  
20       know, how can we kind of, you know, elevate the  
21       discussions surrounding the good stewards that  
22       organic have been for a long time and what they

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1 bring to this climate discussion. This type of  
2 dialogue, this kind of meeting, I know there was  
3 a -- an exchange between the program, National  
4 Organic Program and the Standards Board month  
5 before last about kind of, you know, some of those  
6 synergies that we can just talk more about, because  
7 there is such a great story to tell here.

8 And I think that, you know, you have  
9 my commitment certainly to continue to engage with  
10 you all to to tell that story. The specific  
11 question about sort of how do we match up seals  
12 and certifications and stuff. That one's a little  
13 bit funny, right? And we need to get into that  
14 and figure that out. And we've got process  
15 verified and all sorts of other things, but we're  
16 committed to having it, and this is just such a  
17 group of leaders, you know, really in this kind  
18 of sustainable agriculture that, you know, was  
19 started before we were thinking necessarily about  
20 climate but there's dovetail so well with this  
21 exact discussion.

22 So I think, you know, I would love to

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1 just keep the dialogue going, and look forward to  
2 hopefully seeing a lot of participation in the  
3 partnerships program. As I mentioned, the first  
4 big deadline is next week. But, you know, when  
5 we think about that program, we are hoping to learn  
6 so much about what's out there, who can show their  
7 math, who's got, you know, the MMRV -- measurement,  
8 monitoring, reporting, verification -- behind  
9 their proposals, and then allow us to learn an awful  
10 lot about that as we take our next steps.

11 As the department working with Congress  
12 on the 2023 Farm Bill, et cetera, this will be the  
13 first one since 2014 that I'm not on the hill for,  
14 and I look forward to not being there for those  
15 really late nights. But I'm a little sad to miss  
16 out on what is a really exciting process, I think,  
17 for all of agriculture. So anyway, I really  
18 appreciate the sentiments. I appreciate the  
19 opportunity with you-all, and certainly to have  
20 a constructive dialogue going forward.

21 MR. POWELL-PALM: Thank you. We  
22 cannot thank you enough for your time, and really

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1 appreciate you coming today.

2 DR. TUCKER: Thank you, Sean, very,  
3 very, very much. Let's give another round of  
4 applause. Really appreciate your time and being  
5 here. Thank you. Thank you. Thank you for all  
6 that you're doing, and for being with us today.  
7 So thank you.

8 MR. BABINGTON: All right. Great to  
9 see you-all. Enjoy the rest of the meeting.

10 DR. TUCKER: Okay. Be well. I'm now  
11 going to turn it over to our second USDA climate  
12 speaker. This is Adam Chambers. So Adam, I see  
13 you are on with us. Thank you. So Adam is with  
14 NRCS, Natural Resources Conservation Service. He  
15 is the scientific lead for environmental markets.  
16 And so we've had some great conversation leading  
17 into this meeting.

18 His team focuses on leveraging markets  
19 that value ecosystem services, building strategic  
20 partnerships and getting more conservation on the  
21 ground. And so his work is supported by NRCS Farm  
22 Bill programs, and works to increase voluntary

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1 conservation practices on working agricultural  
2 lands in the United States.

3 And so Dr. Chambers' project work has  
4 focused on the applied sciences, reducing air  
5 pollutants and greenhouse gases, and providing a  
6 merging carbon market opportunities for US land  
7 owners and agricultural producers. And so Adam,  
8 thank you so, so much for being here, taking the  
9 time to be with us. And we turn the floor to you.

10 DR. CHAMBERS: Hey, thank you,  
11 everyone. I look forward to the day that we're  
12 all in the same room again. I just cannot wait.

13 Thank you, Dr. Tucker. And thank you, Mr.  
14 Babington, for giving the great introduction.  
15 I'll try to take us maybe a step on down the  
16 quantification path. And made -- I'll try to touch  
17 a little bit on that challenging quantification  
18 piece that you touched on with nitrous oxide as  
19 well. That's always -- that can always be quite,  
20 quite challenging.

21 I was going to just try to share my  
22 screen and go through a quick few slides so that

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1 we can all kind of work off of a common denominator  
2 if you might. And it's relevant -- so rather than  
3 you having to see me, we can show some slides.  
4 So I think you can see slides maybe if I can get  
5 a thumbs up from somebody or -- there we go, one  
6 more step to go.

7 So yeah, I'm Adam Chambers. I work for  
8 NRCS, and I've worked for NRCS for quite a while.

9 I work on conservation practices. So voluntary  
10 conservation practices, delivering greenhouse gas  
11 mitigation benefits, as kind of what Nate talked  
12 about, and carbon sequestration benefits. Now,  
13 what I want to do is talk about the -- everything  
14 that Nate touched on, which is Adam Chambers works  
15 in the -- yes, I agree with you wholeheartedly,  
16 now, let's put the quantification to work and prove  
17 that in the numbers.

18 And then can we put the numbers forward  
19 that justify our scientific assertions that we  
20 make, or the -- the -- the, you know, kind of the  
21 hunch. I mean, I really trust in humanity and our  
22 intuition, but I also like to work with numbers

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1 and see the quantification. So as we all know --  
2 and I think this was really highlighted with Mr.  
3 Babington 's overview, and Dr. Tucker as well.  
4 We are the first generation to fully understand  
5 this problem of climate change, and we're the last  
6 with the ability to solve it.

7 These aren't my words. I'm borrowing  
8 them from other climate scientists, but this --  
9 we got to be all in it. We -- all in it, all  
10 together, right? And this is our opportunity for  
11 the folks who were -- who are inhabiting the top  
12 of the earth. At this time, we understand it.  
13 We understand how to solve for it. And now we got  
14 to get to work.

15 We know that working lands agriculture  
16 can deliver. We know that forestry can deliver.  
17 We know that industry can deliver. We know that  
18 every sector has to be involved, and as Mr.  
19 Babington mentioned, it's a full sector  
20 prioritization. And we're trying to reduce the  
21 carbon footprint across all sectors through -- and  
22 in NRCS, we have voluntary, real, quantifiable,

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1 atmospheric benefits that -- these are called  
2 climate solutions.

3 But then in parallel, we have to produce  
4 the food, the fiber, and the fuel that we need for  
5 the world. So I hope that you all will see  
6 yourselves in all the slides here. And I really  
7 want to kind of put an exclamation point on that,  
8 because it's inclusive. This is an everybody on  
9 board. We also know -- here's another climate  
10 change overview. If you look at the left, we've  
11 got carbon sequestration and greenhouse gas  
12 mitigation. If we can increase this now, we can  
13 reduce the cost of adaptation and resilience in  
14 the future.

15 We also know, if we don't make  
16 investments now, as we talked about these  
17 challenging gases, they live in the atmosphere for  
18 decades. In the case of methane, for centuries.

19 In the case of CO<sub>2</sub>, for almost millennia. And  
20 when we start talking about some of the more potent  
21 greenhouse gases, and those will be around for a  
22 long time. So that means we have more investment

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1 in the future in our resilience adaptation.

2 So anything we can do to keep the gases  
3 out of the atmosphere, or work with that carbon  
4 cycle and bring them back to the atmosphere. Now,  
5 again, bringing you into this picture, we have a  
6 whole -- this is from a peer over on the comment  
7 team at Colorado State, Amy Swan, and it was also  
8 published in the Intergovernmental Panel on  
9 Climate Change 2006. We know there are lots of  
10 sources and lots of sinks on all operations.

11 And so then the question is: Can we  
12 track all of these different gases and look at how  
13 did they quantify, and then how do they stuck up,  
14 right? Are there net benefits to the atmosphere?

15 Or are there net losses to the atmosphere? We  
16 know that just about everything in production  
17 causes emissions. But we also know that we can  
18 work with the nitrogen and carbon cycles to bring  
19 things back into the planet.

20 So we've got three main greenhouse  
21 gases, this -- if there was a quiz today, it would  
22 be carbon dioxide, nitrous oxide, which is also

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1 laughing gas, and it's a persistent gas that stays  
2 in the atmosphere, and methane, CH<sub>4</sub>, which does  
3 decay over time to become carbon dioxide. But  
4 that's the end of the chemistry for today. Let's  
5 just kind of have fun and talk about being part  
6 of the climate solution.

7 But there are a lot of sources, a lot  
8 of sinks within any agricultural operation,  
9 including organic operations, and there are  
10 numerous intervention opportunities. We all know  
11 that -- if we can make the intervention  
12 opportunities, some of them are technology driven,  
13 some of them are practiced and management-driven,  
14 and some things we just cannot change for the time  
15 being.

16 At NRCS, we work with systems, and this  
17 is an extreme egregious case, but we work with  
18 systems like this. I see an atmospheric problem,  
19 I see a water quality problem, I see a soil problem,  
20 soil health. But we try to transition those  
21 systems into more sustainable, more operational  
22 systems. And we know, of course, within soil

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1 health, with soil organic matter, we can build  
2 carbon stocks, and we can protect our most valuable  
3 resource, which is topsoil, right?

4 We all agree on that. We've got  
5 livestock operations -- same thing, egregious, but  
6 we know we can go to livestock health, soil health,  
7 sustainability, have a bunch of co-benefits  
8 associated with all these climate benefits. And  
9 then my third and final picture on kind of what  
10 we do at NRCS, we take systems that may have  
11 extremely, you know, large amounts of erosion,  
12 which we all agree is a bad thing, and then we can  
13 restore that.

14 We can take a land and put it in a  
15 different use and deliver photosynthetic activity,  
16 improve the whole systematic approach, enhance  
17 carbon sequestration, reduce emissions, reduce  
18 soil loss, improve water quality. The cascade  
19 goes on and on it. I'm a climate scientist by  
20 training. So I've always just worked in the  
21 atmosphere, so I kind of look at the world through  
22 the glasses of a scientist with an atmospheric

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1 lens.

2 But I want you to all see yourselves  
3 in all of these slides. And I hope, you know, I  
4 trust that most of you are well beyond all of these  
5 practices, and kind of into that extremely advanced  
6 level of delivery. Here's a slide that I borrowed  
7 from Bill Hohenstein recently, and the USDA climate  
8 priorities on the left. I'd like to draw your  
9 attention to a couple of these that I'm going to  
10 focus on for the remainder of my time today. And  
11 then some of the principles to the right that are  
12 also important.

13 So as Mr. Babington mentioned, we've  
14 got climate smart agriculture. We want to  
15 leverage existing programs, but we want to build  
16 these partnerships and learn more about how we can  
17 deliver these greener commodities to the  
18 marketplace. We've got climate smart forestry  
19 quantification methods. Then we have adaptation  
20 and resilience, which what we talked about. We  
21 want our workforce at USDA to be climate informed.

22 We have to move out in research and development,

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1 right?

2 We can only move the quantification  
3 tools as far forward as the research is behind an  
4 underpinning that. We've got energy efficiency,  
5 renewable energy. We have equity and  
6 environmental justice, and then we have  
7 international cooperation. So we're trying to do  
8 all of these things. And at USDA, we're learning  
9 along the way, right? We're trying to get all  
10 these pieces together and move people forward.  
11 We may move faster in one place, but then we try  
12 to back up and pull another topic forward.

13 We want to be comprehensive over to the  
14 right, voluntary and incentive based, that's what  
15 I just talked about from NRCS, equitable and  
16 accessible, we want it to be cost effective, we  
17 want public engagement, and we want rural  
18 economies, as Mr. Babington definitely emphasized.

19 So the ones that I'm going to speak on for the  
20 rest of my limited time today are really existing  
21 programs, the quantification metrics, and the  
22 voluntary incentive based equitable, accessible

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1 programs.

2 And again, please see yourself squarely  
3 within this. And the opportunities exist for you  
4 all to be part of these partnerships. We want to  
5 move that forward. On the left, we've got a 600  
6 page document. Many of you are familiar with it.

7 I see a lot of friendly faces on the -- in the  
8 group. I always refer to that as the methods  
9 report. That's how we do our quantification.

10 So as Nate mentioned, how do we quantify  
11 the N2O emissions to the atmosphere, or how do we  
12 quantify the emissions from a tractor? How do we  
13 do all of this? And so this is our book. And,  
14 and we republish this every five years as the state  
15 of science improves. And then we have a handful  
16 of quantification tools over on the right, which  
17 we try to build to be inclusive, but also  
18 scientifically based, which is a very difficult  
19 balance to keep going.

20 At NRCS, you may have seen that we have  
21 a list of atmospheric beneficial conservation  
22 practices. Again, these are NRCS conservation

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1 practices, but we hope that some people will have  
2 adopted many of these in the past. Some people  
3 may need help adopting some of them. So I hope  
4 that you can see yourself there. And we'll pick  
5 on 590 right in the middle of the screen, nitrogen  
6 management, right? If we can have a nutrient  
7 management plan, we can have a nutrient management  
8 plan in a conventional context.

9 But we also need to have a nutrient  
10 management plan in an organic operation, because  
11 as Nate mentioned, there are great opportunities  
12 to reduce N2O emissions, but there's also the  
13 potential, if you don't manage that nitrogen  
14 properly, to cause that to go to the atmosphere.

15 So we just need to manage, you know, balancing  
16 for nitrogen, balancing for carbon, compost manure  
17 applications. Those all can be great  
18 opportunities to reduce emissions.

19 But applied in a system that gets water  
20 at the right time, and too much of one of those,  
21 you can have nitrous oxide emissions. So we've  
22 got this list of practices that really can underpin

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1 a lot of the initial work on the partnership, but  
2 -- with the partnership program. But we want that  
3 partnership program to expand our breadth and how  
4 we understand what's going on in the country, and  
5 then how these things are getting monetized in the  
6 marketplace. As you all know how to monetize  
7 extremely well, as it has been discussed.

8 We take -- I took all of these and just  
9 put them in a little different format. You can  
10 see I've got cover crops, and this is going to be  
11 for the benefit of my next slide. My next slide  
12 is just going to show you -- so this is all the  
13 NRCS conservation practices. We have about 33  
14 practices, and then a handful of enhancements.  
15 Another 80 or so that make up our climate smart  
16 list as of today, but we plan to expand that list  
17 next year and improve it.

18 But if you take this matrix writ large,  
19 you'll notice that, you know, I focus on cover crops  
20 just to draw your attention to it. But the pieces  
21 I really wanted to show you is right here, and this  
22 is NRCS' quantification work. So we quantify the

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1 atmospheric benefits over time. And those little  
2 boxes, that matrix of 33 practices, delivers how  
3 many benefits -- carbon sequestration, greenhouse  
4 gas emission reductions -- we've had over time.

5 And you can see that, you know, in the  
6 hypothetical blue curve, that's the NRCS curve.

7 That's only what we delivered through Farm Bill  
8 programs like Mr. Babington mentioned. Then  
9 there's how we mobilize the larger marketplace.

10 And that's our opportunity, because we know the  
11 red line is the larger marketplace, the national  
12 curve. And if we can help influence the national  
13 curve, we can lift that, and we can get more  
14 atmospheric benefits through these market driven  
15 mechanisms.

16 So that's just a little bit of thinking  
17 on the opportunity, as I mentioned NRCS, we track  
18 and try to quantify the benefits of everything that  
19 we deliver under the Farm Bill programs that were  
20 generously granted through Congress. But we know  
21 that's only a fraction of what we can actually  
22 deliver into the whole, you know, to the planet,

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1 actually. And we also keep track of that national  
2 curve in the national greenhouse gas inventory.

3 And the national greenhouse gas  
4 inventory quantification methods, we tried to keep  
5 those consistent all the way back to the blue book,  
6 which is a challenge in itself. So then, at the  
7 end of the day, NRCS does an annual quantification.

8 We quantify our soil health practices, and that's  
9 inclusive of organic. So please think of yourself  
10 being nested in the soil health practices.

11 The perennial biomass and agro forestry  
12 is the green. You've got livestock operations,  
13 livestock that includes grass-fed, and confined  
14 animal operations. But we put that all together  
15 in how many benefits can we bring forward for the  
16 ecosystem from NRCS Farm Bill programs. And those  
17 are -- those have to be delivered in a year.

18 So we have two different processes.  
19 If you know NRCS well, we do a lot of planning.

20 But I don't get -- I don't take credit for those  
21 in our quantification, until they generate  
22 photosynthetic activity, reduce that methane --

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1 important methane emissions, or stop that nitrous  
2 oxide emissions to the atmosphere. And then you  
3 can just do a simple and a comparison. I think  
4 last year we had about 82.3 million metric tons  
5 of CO2 equivalent reductions just from NRCS.

6 And that delivered almost 18 million,  
7 you know, offset. I don't say it removed the cars  
8 -- cars still stayed on the road. So it offset  
9 the emissions of 18 million passenger vehicles,  
10 and these other metrics for which we rely -- or  
11 rely on on EPA to help us do the inner comparison.

12 But at NRCS, we take this quantification very  
13 serious. We hope that we could work with the  
14 organic groups to deliver on the quantification.

15 Some folks in the Board, I even heard  
16 from in the past on hey, I need a crop put into  
17 the tools. How do I do that? What about I think  
18 I remember hearing it was Logan that talked about  
19 -- or no. Maybe Logan was on carrots and then there  
20 were green field peas and another topic. And we've  
21 definitely heard from both of them as Nate. And  
22 we've heard from those not being in comment.

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1           The hardest part of that is we're trying  
2           to get the quantification into the blue book. So  
3           into that blue book, so that then we can put it  
4           into the quantification tool. So we need the  
5           science and really that's driven by that scientific  
6           research agenda, which I think, leadership has  
7           recognized the opportunity to improve that, and  
8           that's where the climate smart commodities program  
9           really comes in, and will help us advance science  
10          forward.

11           In addition to our great work with ARS,  
12          ag research service. So I'm running about out of  
13          time and I've got just a few overarching  
14          conclusions here. I want you all to just kind of  
15          take away, and I'm happy to to help in the future.

16          We know that voluntary working on this  
17          conservation delivers on the climate solutions.

18          We definitely are getting more conservation on  
19          the ground, but we need to get even more  
20          conservation on the ground.

21           As Dr. Tucker said, you know, I try to  
22          tell people I'm trying to get conservation on the

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1 ground. But the other thing that's important is  
2 -- and you all know this probably better than  
3 anybody -- is when you invest in a system and you  
4 build soil organic matter, or you plant a fruit  
5 tree as we had discussed in the introductions.  
6 We know that accrues carbon a little bit in year  
7 one, year two, year three, and then we all know  
8 the look of the tree rings as they get bigger, so  
9 that accrues more carbon.

10 So the important -- the other really  
11 important thing here, and you all know this well,  
12 is we got to keep the conservation on the ground.

13 Because carbon often begets carbon in these  
14 natural systems, and the system likes to move in  
15 that direction. And then finally, with mitigation  
16 benefits are tracked by NRCS, we try to have  
17 consistency in our quantification methods all the  
18 way from the national inventory approach, down to  
19 our field level or our farm level quantification  
20 tools.

21 So in my wrap-up, I'm going to go back  
22 to my first slide, which is, and I do feel

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1 profoundly, you know, indebted to future  
2 generations here. We understand this problem.  
3 We do have the ability to solve it. One of my  
4 recent peers asked me, Knowing what you do about  
5 climate change and spending all this time on  
6 climate change, how do you sleep at night?

7 And so I thought about that for a while,  
8 and I responded to her with an adjustment to this  
9 quote, which is, we are the first generation to  
10 fully understand the problem, and we're actually  
11 the first generation with the tools to solve it.

12 So with that, I think that's our opportunity, is  
13 we get to go from being the last with the ability,  
14 to being the first, the first with the tools to  
15 deliver on it. And I would say, honestly, you all  
16 are well ahead of the game, and we have a lot to  
17 learn from you.

18 But I'm also a scientist, so there's  
19 kind of that -- let's do the quantification to  
20 support our assertions. And then we have a really  
21 compelling story to tell. And I guess that ties  
22 into Mr. Babington's opening remarks on the

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1 partnership program of how -- trying to get people  
2 to show their math and definitely help us expand  
3 and improve our mathematics as well on the  
4 atmospheric benefits. So with that, I really  
5 appreciate the time and the opportunity to speak  
6 with you-all. And I look forward to our continuing  
7 discussions.

8 DR. TUCKER: Adam, thank you so, so  
9 much. Genuinely appreciate your being here, your  
10 energy, your enthusiasm, and all your thoughts  
11 today. So thank you, thank you, thank you. Nate,  
12 did you want to make any quick follow-up on that?

13 MR. POWELL-PALM: I don't think it's  
14 lost on anyone on this call how grateful we are  
15 for the work of NRCS, and how I think it's an example  
16 of really smart scientists helping farmers do their  
17 best. So I really wanted to thank you for your  
18 work, and everyone at NRCS.

19 DR. TUCKER: Well put. Again, thank  
20 you so much.

21 DR. CHAMBERS: Thank you. Thanks for  
22 having me. I really appreciate it.

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1 DR. TUCKER: We were thrilled to have  
2 you here, so thank you for being -- and we continue  
3 to -- we look forward to continuing to work with  
4 NRCS. I think we have a lot of joint interest and  
5 joint projects to move forward here. So look  
6 forward to doing that. And so in the meantime,  
7 I think you can stop sharing, otherwise, I don't  
8 know how to override your share. You're sharing  
9 your dog -- somebody in Zoom is better than I.  
10 Okay. And thank you again, Adam.

11 You're welcome to stay on. If you  
12 would like that, though we assume you also have  
13 a very busy day. I'm going to give a couple of  
14 follow-up comments to what we just heard, and then  
15 we'll move into the NOP update. And so again, glad  
16 we were able to bring those speakers in. I wanted  
17 to kind of, I did -- I didn't know what those folks  
18 were going to say before they came, so I was hearing  
19 it with you.

20 And as I was jotting down the notes,  
21 the word that just keeps on coming back in all  
22 elements of this climate discussion is data. So

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1 the importance of data, to continue to support the  
2 science, to demonstrate organic's role, and to  
3 maximize farmer access to climate smart programs  
4 and benefits. So how do we continue to generate  
5 data in a usable form to demonstrate and continue  
6 to verify, validate, and confirm the role of  
7 organic and all of these different -- through all  
8 the different practices that organic is already  
9 doing.

10 And so I think most -- a lot of folks  
11 know at this point that as a child of a computer  
12 scientist, I do tend to think often in terms of  
13 data, and data exchange, and data harmonization.

14 And so, getting more data to support both the  
15 practical science of this, but also the research  
16 side of it. Getting more data is supported by data  
17 harmonization that facilitates data exchange.

18 And so when I listen to talks like that,  
19 I think about all the data that is entering into  
20 conservation plans to demonstrate for NRCS through  
21 their conservation programs. But I also think  
22 about all the practice data that is currently being

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1 lost because of a lack of harmonization and data  
2 exchange for organic system plans. Yeah, I looked  
3 at the slide that was shown on conservation  
4 practices, and yeah, that stuff is all in organic  
5 system plant, but it is sitting in PDF forms or  
6 in disparate systems.

7 And then somebody got to take it, and  
8 we've got an analyst here who calls it swivel chair  
9 interface. So I enter in this computer, and then  
10 I swivel over my chair and I enter it into this  
11 other computer. And really thinking  
12 strategically about how we can think about dated  
13 differently. The public-private partnership  
14 leads to a huge decentralization of practice-based  
15 data that could really help with this climate  
16 conversation.

17 And so I really encourage all of us to  
18 think about how we can think about data and data  
19 harmonization and data flow differently, when we  
20 think about things like organic system plans, and  
21 other tools that track and report on these climate  
22 practices. So some of that's on USDA in terms of

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1       figuring out how do we make our systems talk to  
2       each other, even though our systems are designed  
3       to do different things.

4               But how could certifiers also kind of  
5       work together for a more harmonized approach to  
6       data management with organic system plans. And  
7       so I encourage all of us to think about how we can  
8       kind of collectively and continuously improve in  
9       that data space. So some of the thoughts that came  
10      out of listening to our guest speakers today. I  
11      did want to answer a question that came up in the  
12      chat in terms of NOP's engagement.

13              We have been engaged with a team that  
14      is working on these climate initiatives that you  
15      have meeting agency-level meetings, that I have  
16      attended, that Erin Healy attended. We have those  
17      -- have staff members attend. We also will have  
18      or we have offered proposal evaluators for the  
19      climate smart commodities program, so we will have  
20      organic expertise involved in reviewing those  
21      applications as well.

22              So we are engaged in -- in the -- in

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1 those conversations within USDA. We have provided  
2 a variety of information about the standards and  
3 what what they mean and what those practices are.

4 Having an undersecretary who is an organic  
5 producer really helps in that conversation as well,  
6 because she understands the language of how to talk  
7 about organic across the department. I think  
8 that's a very important asset.

9 So I got to take a deep breath and close  
10 this part of the NOP update. I'm also going to  
11 pause for a second and drink a glass of water and  
12 breathe a little bit, so I'm going to actually  
13 encourage we -- do this to certify our training.

14 Let's all take a few breaths. Everybody take five  
15 breaths, cleansing breaths in and out, while I  
16 breathe and drink some water and then I will be  
17 back. Five breaths. Doesn't that feel great?  
18 Okay.

19 We're now going to move to the next part  
20 of the NOP update, and it is actually a celebration.

21 I'm going to bring up a couple of slides here.

22 We are celebrating our organic certifiers today.

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1       And so, I wanted take a few minutes to recognize  
2       a big anniversary for the program that happens this  
3       week.

4                   Congress created the National Organic  
5       Program as a public-private partnership.    The  
6       system could not work without certifiers and their  
7       team.   So this Thursday, in fact, marks 20 day --  
8       20 years since the day that USDA accredited its  
9       first class of organic certifiers under the Organic  
10      Foods Production Act.   And so I will move to the  
11     next slide that shows their logos.

12                   So this is the first class of  
13      certifiers, the certifiers who have been around  
14      since the very, very beginning.   And so after so  
15      much work by thousands of people across the organic  
16      community 20 years ago, the federal standard could  
17      officially be used to certify organic farms and  
18      businesses.   And so this milestone really does  
19      help us remember the unique role that certifiers  
20      and their staff and inspectors serve in their  
21      ongoing work to deliver consistent oversight and  
22      continuous improvement.

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1           And so an awful lot has changed since  
2           2002. I believe we have collectively worked  
3           together to develop and further implement the  
4           organic standards. So these certifiers have  
5           conducted thousands of inspections over two  
6           decades. They have filled strong organic control  
7           systems that are protecting organic integrity  
8           around the world.

9           Hand in hand with them, NOP has built  
10          the first public database of organic operations.

11          The organic integrity database has now been in  
12          place for about seven or eight years. So it's part  
13          of that history, as is now our learning center.

14          And so we continue to build the infrastructure  
15          and the systems that ultimately are exercised by  
16          organic certifiers and by organic farms around the  
17          world.

18          So today, there are 76 certifiers, and  
19          their work continues to be vital to the community.

20          They in turn work with organic farmers who are  
21          using all these natural materials, and who are  
22          taking a systems approach to protect natural

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1 resources, to build soil and water quality and  
2 biodiversity. And they are vital partners in  
3 consistent oversight, engaging in continuous  
4 improvement across a myriad of control system  
5 activities.

6 So we have sent the very first class  
7 of certifiers a keepsake. I'm going to put it in  
8 the camera here. See if folks can see that, it's  
9 the number 20. And so it's a 20, and on the front,  
10 it says celebrating 20 years of USDA organic  
11 certification. It has the the seal on it. And  
12 so to -- we've sent them this to mark the milestone  
13 in their own offices. Over the next several days,  
14 USDA, the Department will be posting about this  
15 anniversary across our social media channels.

16 And I believe we're going to be sharing  
17 in the chat some of those links. So if you would  
18 like to help us sort of celebrate this -- a rather  
19 momentous anniversary. We hope that you will  
20 watch for and share those posts. And so, I want  
21 to give -- I know we have a lot of certifiers on  
22 the line with us today, so I'd like to pause and

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1 give them all a big round of applause for everything  
2 that they have done. The first class of certifiers  
3 and every certifier that has followed in their  
4 footsteps. Okay.

5 We are going to turn to some key program  
6 updates, and a review of feedback from the recent  
7 regulatory priorities, public comment  
8 opportunity. So we're going to take this in two  
9 segments. The first -- I'm going to give you an  
10 update of where we are with some key rule making  
11 and then we're going to turn to reflections on the  
12 regulatory priorities notice.

13 So first, there is a full NOP update  
14 that was recorded by many different people across  
15 NOP. It is posted in the organic integrity  
16 learning center. It was included in an insider  
17 that went out last week. If you go to the learning  
18 center, you click on NOP presentations. There's  
19 presentation in there that is the full NOP update.

20 And so it's about 40 minutes, gives an update on  
21 priorities and recent successes. So I'm not  
22 repeating all that here, but I am going to review

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1 where we are with some key rules.

2 So the first one is organic origin of  
3 livestock, final rule. And so there was a lot of  
4 communication about this, as well as a recent  
5 webinar. That final rule was published on April  
6 5th, we are now in a one-year implementation  
7 period. We will be launching training for  
8 certifiers and operations in the learning center  
9 later this year, as operations gear up for that  
10 change.

11 The organic livestock and poultry  
12 standards proposed rule went to the Office of  
13 Management and Budget, OMB, in December, and we  
14 have been working closely with OMB on their review  
15 process. The strengthening organic enforcement  
16 final rule is in legal review. Now that, for folks  
17 who track the clearance process, a legal review  
18 is an early step in USDA clearance.

19 So it means we finished the role, NOP  
20 has been pencils down on this. It is now with the  
21 legal team. Another important role is the inerts  
22 role. So this is looking at what we're going to

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1 do about list three and four on the national list.

2 That is an advanced notice of proposed rule making  
3 where we will invite public comments. That's also  
4 in legal review. So the lawyers have that advanced  
5 notice of proposed rule making in review.

6 We also continued to work on other  
7 national list rules on an ongoing basis, and we  
8 generally have two to three rules or notices  
9 related to the national list underway at any given  
10 time. So I know there's a lot of emphasis on  
11 practice standards, but I do want to pause and  
12 really acknowledge the strong and steady work of  
13 the national list team, that we have really got  
14 into a very stable, and by rule making standards,  
15 pretty rapid cadence of rule making related to  
16 national list.

17 Rule making does take time. The  
18 national list process shows how that can work as  
19 efficiently as rule making possibly can. So this  
20 brings me to an important update on the fall 2021  
21 NOSB recommendation to prohibit ammonia extracts.

22 And so USDA has decided that we will proceed with

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1 the rule making process.

2 So we will proceed with the rule making  
3 process to propose adding ammonia extracts as a  
4 prohibited natural in crop production on the  
5 national list. And we have decided to move ahead  
6 with that rule making process independently of the  
7 Board's current work on highly soluble nitrogen  
8 fertilizers. So we are pursuing the rule-making  
9 on that fall recommendation without -- we  
10 understand you're not -- we haven't voted yet, on  
11 that highly soluble nitrogen fertilizer proposal.

12 But we are committed to moving ahead with the  
13 rule-making process on ammonia extract.

14 So that's our update on that  
15 recommendation. I know there's been a lot of  
16 interest in that across the community. So that's  
17 a summary of where we are with key rules at this  
18 time. So I'm going to turn to now discussing the  
19 recent priority -- regulatory priorities, public  
20 comment opportunity. And you know, before I  
21 switch over to that, just because now I've been  
22 talking for a little bit, I am going to take a little

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1 bit of a break here and see if there are questions  
2 on what I just said. So I know we'll have other  
3 questions, but let's see if there are questions  
4 on what I just talked about in terms of rule making  
5 priorities before we move to the regulatory  
6 priorities discussion.

7 MR. POWELL-PALM: Who has questions  
8 for Jenny? All right, Amy, please go ahead.

9 MS. BRUCH: I --

10 MR. POWELL-PALM: Sorry. Let's see if  
11 Jenny's ready. Okay.

12 MS. BRUCH: Okay. Thank you, Nate.  
13 Thank you, Jenny, for those really important  
14 updates. I know you mentioned about the  
15 Strengthening of Enforcement Act still being in  
16 legal review. This is an incredible rule  
17 important to the community, and I just wanted to  
18 ask if there was anything more that we on NOSB or  
19 the community can do to impress upon the USDA the  
20 importance of this rule in advancing it through  
21 rule making?

22 DR. TUCKER: I appreciate that

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1 question. You know, I often talk about sort of  
2 the rule-making pipeline in terms of things moving  
3 through different stages. It's called clearance  
4 to get all the way through that process. There  
5 was a tremendous coordinated push from the  
6 community, on origin of livestock. And that is  
7 I believe a real -- it was a -- it was very important  
8 to origin of livestock getting completed.

9           Knowing how united the organic  
10 community was around completing origin of  
11 livestock and how important it was to get that rule  
12 finalized and out in the world. The consensus and  
13 clear communication from the community on that  
14 priority was vital. And it -- it did -- it put  
15 origin of livestock at the front of the line for  
16 rule-making.

17           And so for folks who believe SOE, and  
18 I'm one of you, believe SOE is as important, it  
19 will actually impact more people than origin of  
20 livestock in terms of implementation. Your voice  
21 works, your consensus, connection, collaboration,  
22 communication, all those good C words are very

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1 important in advancing rules.

2 MS. BRUCH: Thank you, Jenny.

3 MR. POWELL-PALM: Any other questions  
4 for Jenny? I just want to thank you for those  
5 updates, Jenny, before we move on. And I think  
6 that there's growing inertia, I think when we have  
7 really great collaboration on the Board, and the  
8 program hears our requests, and takes our work  
9 deeply into consideration. So we really  
10 appreciate that that's being done. Thank you.

11 DR. TUCKER: We got a great standards  
12 team here. We really have built that team over  
13 the past couple of years here, and they've really  
14 refined their practices. A lot of them have grown  
15 -- climbed a pretty big learning curve, honestly.

16 Some joined from outside the organic community  
17 and have really dived in whole -- wholehearted to  
18 learn about the rule making process, so --

19 Okay, let's turn to the regulatory  
20 priorities. I'm going to give an overview of kind  
21 of what we learned through that process. So I'm  
22 going to start with some general themes, and it's

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1 sort of overview. For folks who may not have been  
2 as familiar with this, we advertised a listening  
3 session, and then within that federal register  
4 notice, there was a summary of current outstanding  
5 NOSB recommendations, and an invitation for both  
6 participation and a public comment session,  
7 orally.

8 We had a webinar and written comments.  
9 And so I'm going to give kind of a top-line  
10 summary, for those who have not sat down and list  
11 -- and read all 572 written public comments. I'm  
12 giving you the executive summary, so you don't have  
13 to go read all 572 of them, which is an addition  
14 to the folks who actually -- who came to the public  
15 comment opportunity. So first a big thank you.

16 You know, 572 organizations and people  
17 who chose to participate in this process and have  
18 your voice be heard, is really impressive. And  
19 so thank you for taking all the time and  
20 thoughtfulness that you did to participate in that  
21 process. Big-picture take home messages,  
22 commenters generally supported NOSB

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1 recommendations and urged NOP to address them by  
2 developing standards primarily through rule  
3 making.

4 Commenters noted that regularly  
5 updated standards will help protect the  
6 environment, protect the organic label, ensure a  
7 level playing field, and match the evolving  
8 consumer and industry needs. And so many, many  
9 commenters said that all topics should be  
10 prioritized, and all topics should be completed.

11 However, within that broader context of wanting  
12 all activities to move forward, there were three  
13 that ended up being the most often discussed in  
14 the comments.

15 The first is hydroponics and  
16 containers, the second organic seeds, and the  
17 third, native ecosystems. And so those three were  
18 referenced many times, with some differences in  
19 prioritization based on perceived difficulties in  
20 rule making. So I'm going to give some more  
21 details in a second, but I want to highlight those  
22 as the three top topics referenced in response.

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1           In addition to those, many commenters  
2           voiced appreciation for NOP's current rule making  
3           on recent or in-progress rules. So the ones that  
4           we just covered, the strength in the organic  
5           enforcement, origin of livestock, organic  
6           livestock, and poultry standards, and inerts.  
7           Many comments supported their finalization and  
8           implementation. Some comments -- commenters  
9           expressed frustration that NOSB recommendations  
10          have not been implemented through rule making.

11          However, many commenters also  
12          appreciated the outreach to the industry through  
13          the Federal Register notice and encouraged an  
14          ongoing process of prioritization reporting. So  
15          now I'm going to get into the topic specific area,  
16          and I'm going to actually start with native  
17          ecosystems. And so many commenters discussed this  
18          topic. Many ranked it as a high priority issue,  
19          and asked NOP to implement rule making for the  
20          topic.

21          Several commenters, however, ranked it  
22          as a lower priority issue, citing the complexity

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1 of the issue, the lack of statutory authority, and  
2 the possible need for legislation before NOP can  
3 break in rule making. So commenters in support  
4 of rule making stated that current standards  
5 incentivize the conversion of native ecosystems,  
6 because it circumvents the three-year transition  
7 period for farmland. And they cited the  
8 importance of biodiversity, consistency with USDA  
9 policy goals, consumer trust, and fairness.

10 Some commenters also referenced  
11 international prohibitions or restrictions on the  
12 conversion of native ecosystems. And so this is  
13 one where we truly do understand the importance  
14 of this issue to the community. And I'm also  
15 realistic about the challenges that many did note  
16 in public comments.

17 The federal register notice on  
18 regulatory priorities had noted that before  
19 proceeding with this recommendations, we'd like  
20 to see significant support by the organic industry,  
21 and noted that congressional action may be needed.

22 And so based on the comments received, those

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1 comments still apply.

2 Let's move on to hydroponics and  
3 container growing. This topic is a high priority  
4 for many stakeholders. The consumers -- the  
5 commenters noted that inconsistent certification  
6 and enforcement is causing confusion amongst  
7 certifier and producer communities. The primary  
8 concern of commenters was whether hydroponic and  
9 container systems and operations can meet up the  
10 soil fertility requirements. With some  
11 commenters suggesting a hydroponically grown, or  
12 container-grown, or organic label, or a separate  
13 specialty crop standard.

14 And so we do acknowledge the  
15 significant interest in this topic. There is a  
16 current lawsuit on hydroponics, and it is in the  
17 appeals phase. The resolution of that case is  
18 likely to inform next steps and direction on this  
19 topic. We have stated publicly several times in  
20 the past that right now we don't have sufficient  
21 information to move directly to a proposed rule  
22 on this topic. And so we know that many in the

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1 community do have an interest in the board taking  
2 this topic back up. So that's hydroponics and  
3 containers.

4 Next, is organic seeds. And so this  
5 topic was ranked medium high by many commenters,  
6 with most commenters supporting increasing the use  
7 of organic seed. Some commenters did say that the  
8 current regulations are adequate, and that  
9 mandating use of organic seed would unnecessarily  
10 burden farmers. They asked that the commercial  
11 availability exemptions remain in place.

12 Commenters stated that research on  
13 organic seed has stagnated, and cited the  
14 importance of continuous improvement benchmarks  
15 to help drive innovation and increase the use of  
16 organic seeds. So a couple of comments on this  
17 one. NOP -- we are aware of concerns about the  
18 low use of organic seed. We noted in the federal  
19 register that we had not made this recommendation  
20 a regulatory priority because we believed that the  
21 recommendation is already addressed by USDA  
22 regulations for commercial availability.

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1           Because we did have some concerns about  
2           how the provisions were being implemented, we did  
3           invest in developing training on organic seed  
4           sourcing as a practical, high impact step. And  
5           that training is available in the Organic Integrity  
6           Learning Center. And so the public comment  
7           process, as well as the new organic seed survey  
8           that the Organic Seed Alliance will be discussing  
9           during this meeting this week, have really provided  
10          very, very useful feedback and historical  
11          background that will be helpful in re-evaluating  
12          this priority moving forward.

13                 I shared in another setting that I --  
14           if I had placed a bet on what the highest priorities  
15           were going to be, this wasn't on my list, and now  
16           it is. So I think the public comment process  
17           really does work because it was very helpful to  
18           read through the public comments on this particular  
19           topic. One of my common questions when people say  
20           we need new standards is: Well, do we really need  
21           new standards, or do we need to be better enforcing  
22           the standards that we have? And sometimes the

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1 answer's both/and. And so I appreciate the  
2 feedback on this topic.

3 The next set of topics of relate to  
4 rules, where a rule-making process had begun under  
5 Secretary Vilsack's first term. And so I'm going  
6 to now run through those with some feedback from  
7 public comment. Mushrooms, most comments did  
8 support developing mushroom standards and ranked  
9 this issue as a medium priority. Many commenters  
10 felt that we should advance all NOSB  
11 recommendations, and this is one of those.

12 And some comments noted that existing  
13 crop standards are not appropriate for mushroom  
14 production, such as compost requirements. For pet  
15 food, comments again, generally supported the  
16 standard thinking all recommendation should move  
17 forward, but did rank it as a lower priority.

18 Apiculture, commenters again,  
19 generally supported the topic ranking it as a  
20 slightly lower priority. One certifier did rank  
21 it as their second highest priority. And then  
22 aquaculture, most comments did support developing

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1 the standard, but generally ranked it as a low or  
2 medium priority. Our commenters did note the need  
3 for consistency and the unfair advantage for --  
4 that foreign aquaculture producers currently have  
5 versus domestic producers. And there were some  
6 specific comments about including algae and  
7 spirulina production in those standards.

8 So those are practice standards that  
9 had been initiated under the previous Vilsack  
10 administration. Okay. Now I'm going to turn to  
11 a set of comments on other topics. And I'm going  
12 generally in order of the number of comments,  
13 particularly an individualized comments that came  
14 in.

15 Genetic engineering and excluded  
16 methods. Most commenters rank this as a  
17 medium-high priority, except for one certifier or  
18 who noted that certifiers already enforce this  
19 consistently. Some comments claimed that a better  
20 definition of excluded methods would increase  
21 consumer competitive -- competence, but others  
22 claimed that prohibiting technology may cause --

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1 may increase confusion and stifle innovation.

2 For handbook updates, commenters rank  
3 this as a medium high priority, asked that NOP to  
4 regularly update the handbook, especially after  
5 rule-making. Others pushed for more educational  
6 resources, and others said that learning center  
7 courses should not substitute for written  
8 standards. There were a mix of comments on the  
9 handbook, and this came out in the verbal comments  
10 as well, about how questions about how well they  
11 could be enforced compared to the actual standards.

12 Emergency synthetic parasiticides.  
13 There were only a few comments on this topic. They  
14 ranked it as medium-high priority, except for the  
15 accredited certifiers association, which did not  
16 believe standards development was needed on this  
17 topic. Several commenters asked NOP to better  
18 define emergency. So not a lot of comments on  
19 that, but the ones who did comment focused on that  
20 term.

21 Commercial availability with processed  
22 products, commenters generally ranked it as a

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1 medium-low priority, noting that rule making is  
2 not as high priority, because ACA has already  
3 issued best practices on the subject, which has  
4 been supporting certifiers. Livestock vaccines  
5 using excluded methods, many rank that as a lower  
6 priority, citing verification challenges, a lack  
7 of market impetus to develop organic appropriate  
8 vaccines, the unavailability of alternative, and  
9 animal welfare impact.

10 And then finally, personal care  
11 products. There were a few comments on this, but  
12 not many, and only one ranked that as a high  
13 priority. And so most commenters noted the  
14 jurisdictional complexity of that particular  
15 topic. There were other comments. So it came in  
16 through this process on, for example, challenges  
17 of climate change for organic farmers,  
18 communicating organic is climate smart  
19 agriculture.

20 Comments related to the structural and  
21 procedural changes to the NOP and NOSB, I'm going  
22 to talk about that more in a second. Organic

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1 research and research funding, increased budget  
2 capacity for standards development. And we have  
3 stepped up in standards. And then there were some  
4 comments on high nitrogen fertilizer.

5 I did want to comment on the staffing  
6 of standards. We do have quite a robust team,  
7 there are a couple of public documents who -- that  
8 reference that NOP only has, like, three or four  
9 people working on rules. And I'm not quite sure  
10 where that number came from, we have a lot of folks  
11 who are working on -- on rule making activities  
12 with -- within NOP, and really have built up that  
13 team over the past year and a half or so. So okay.

14 Final sort of comments on some items  
15 that were actually not listed in our federal  
16 register notice, but did receive some comments.

17 Some link to that structure on procedures changes  
18 category, and named those comments as priority.

19 So I actually wanted to use two of those as kind  
20 of case studies that illustrate what I call sort  
21 of the civics of NOP, and how different policy  
22 topics play out, depending on how they get raised

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1 and how they get resolved.

2 And so one of the topics that comes up  
3 sometimes with respect to procedural changes  
4 relates to the sunset process. And so I did want  
5 to touch on that a little bit, because I think the  
6 story of the sunset process helps illustrate how  
7 these processes can play out. And so many years  
8 ago, USDA changed how the board votes on sunset  
9 reviews using a federal register notice.

10 So there's a federal register notice  
11 that formally changed how sunsets are considered.

12 That notice was subsequently contested in a  
13 lawsuit. The lawsuit charged that it was unlawful  
14 for USDA to -- to do that. In the end, the lawsuit  
15 -- the ruling in the lawsuit stated that the federal  
16 register notice itself was ultimately a process  
17 change, and was not a final action, like an actual  
18 listing or de-listing would be, and that the court  
19 would rule on in terms of harm.

20 And so that lawsuit ended based on that  
21 sort of process determination. Ultimately,  
22 Congress then changed the organic through its

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1 production act to require that any change the  
2 national list, an addition or a removal, required  
3 a definitive vote. And so that codified the  
4 federal register notice that AMS had published on  
5 the sunset process into the act. This is why we  
6 consider the topic closed, is because it was  
7 embodied within the act that any change to the  
8 national list, an addition or a removal, required  
9 a two-thirds majority vote.

10 So that's one of the topics that came  
11 up, or I wanted to talk through the sequence of  
12 events on why we believe that topic is closed.  
13 The second was -- there were a lot of comments on  
14 natamycin, and urging NOP to implement the board's  
15 recommendation on natamycin. That's another one  
16 where I wanted to walk through the process because  
17 it is a bit of a cautionary tale to remind people  
18 of how important the rule-making process is.

19 And so, just to review the history on  
20 this, based on -- the NOSB had recommended that  
21 natamycin be listed as a prohibited natural.  
22 Okay. So a recommendation was prohibited as a

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1 natural. And so we included that in a proposed  
2 rule. So we proposed to implement the Board's  
3 recommendation. So the rule proposed to list  
4 natamycin as a prohibited substance in organic crop  
5 production.

6 Many comments, though, during rule  
7 making were received opposing that proposal. And  
8 so in the final rule, the proposal was not adopted.

9 As such, natamycin does remain allowed. And so  
10 it is a reminder that there is a public comment  
11 process during the board process, but there's also  
12 a public comment process during rule making. And  
13 it is important to have your voice heard in both.

14 And so if you participate in the board  
15 process, also, come back and participate in the  
16 rule making process when things are published and  
17 proposed rules, because there's a full life-cycle  
18 of rule making that has to happen to take an NOSB  
19 recommendation and finalize it into a final policy.

20 So I understand that some folks do want to keep  
21 an item open when NOP takes an action that many  
22 disagree with, or when a final action differs from

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1 a board recommendation.

2 I commit to when we close an item, I'll  
3 try to be more specific on why we consider that  
4 item closed, and it will be from a process  
5 perspective, why we consider that item closed, and  
6 what the drivers and criteria are for that. I  
7 think that transparency is important for being open  
8 about the process and being clear on where things  
9 stand.

10 So now let's briefly talk about next  
11 steps here. First, again, I want to thank everyone  
12 who participated in the process that led to the  
13 summary that I just gave you. I want to talk about  
14 next steps and tools from here. So first, every  
15 six months approximately in the late spring and  
16 late fall, the Office of Management and Budget --  
17 you know, we talked about them a lot now, OMB.  
18 They published what is called the Unified Federal  
19 Regulatory Agenda. Again, the Unified Federal  
20 Regulatory Agenda. You can Google that.

21 And it lists the rule making activities  
22 that the administration anticipates engaging on

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1 in the next year and into the long term. That is  
2 the most important codified list for formal vetted  
3 decisions about rule making priorities. So you  
4 want to keep an eye on that for USDA and AMS to  
5 see what USDA has formally committed to as  
6 priorities in the rule making process.

7 So rules that are going to be  
8 anticipated for the next year or so are published  
9 in one part of the agenda. There's also another  
10 part of the agenda that lists long-term action.

11 So those are things that there's no date attached  
12 to them yet, but the department considers them  
13 important. And so I encourage you to do the  
14 exercise of finding the agenda and looking at it  
15 for AMS to see what's on the list, and what the  
16 long-term actions are. And somebody's just typed  
17 in the link, which is wonderful. So thank you very  
18 much.

19 Now at the program level, we do maintain  
20 the NOSB recommendations library. It's available  
21 on the NOSB recommendations page. So after this  
22 meeting, I commit to you that I'm going to review

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1 that list again. I'm going to update it based on  
2 what we've learned through this process. So there  
3 are a couple of that have been marked as closed,  
4 meaning we're not working on them. I'm going to  
5 change those, too. I might need to come up with  
6 a new category.

7 But I do believe that based on this  
8 exercise, but also based on this administration's  
9 sort of openness to working on practice standards  
10 that that list may change. So I'm going to update  
11 that including more details. If we do still  
12 consider an item to be closed or in process, why.

13 So I'll give a bit more detail on that. We will  
14 also consider other ways to keep the community  
15 informed as we make decisions about priorities.

16 We do generally review standards,  
17 priorities as part of our regular program updates  
18 to NOSB. I will also try to share the reasons we've  
19 chosen not to move forward with certain priorities.

20 And I know that people will still disagree with  
21 those decisions, but I will be clear with you on  
22 what the current decision is and why.

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1           We'll also look at how we might include  
2 more of this information in our memos to the NOSB  
3 that we complete after each meeting. Those are  
4 already standing mechanisms of communication.  
5 And so those have been sustained through multiple  
6 administrations as standardized tools that we use  
7 to communicate with the organic sector.

8           And so memos to the board are useful  
9 for communicating both to the board and the public.

10          And since they're posted on our website as public  
11 comments, they can be tracked over time. And there  
12 are going to be times when we're going to say  
13 something in a memo to the NOSB, and a few months  
14 later, it will change because new information  
15 becomes available or priorities shift.

16          And so I do think there's always a  
17 little nervousness in putting on paper. Right  
18 now, we're committed to this, because if that  
19 changes down the road, well, you said five years  
20 ago that you were committed to this. And well,  
21 yes and that was five years ago. And so there has  
22 to be the ability to move over time and space as

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1 conditions change. So I'm going to close there.

2 Again, thank you to everyone who  
3 participated in that process. That was a lot, but  
4 I think it was important to take the time to go  
5 through the summary because you took the time to  
6 have your voice be heard. And so thank you for  
7 listening to that readout. And I'm going to hand  
8 it back to Nate to facilitate any questions and  
9 feedback from the board.

10 MR. POWELL-PALM: Fantastic, thank you  
11 so much again for that update, Jenny. Round of  
12 applause. Thank you, this is -- it's exciting,  
13 our work is being heard, so we're really grateful  
14 for it, and there is more to do. So questions from  
15 the board for Jenny. This is sort of a general  
16 opportunity for Q and A from board members to the  
17 program. Carolyn, please go ahead.

18 DR. DIMITRI: Great. Thank you.  
19 Thank you for that update, Jenny. I have two  
20 questions about things that have been -- that  
21 predate me on the board, and so this is maybe also  
22 partly information gathering for myself. And one

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1 is about native ecosystems, and the other is about  
2 inerts. And so there are two things that I  
3 actually know very little about.

4 And so I think for native ecosystems,  
5 I'm wondering, especially with this  
6 administration's interest in climate change, and  
7 I'm not really sure how native ecosystems fit into  
8 that. Is there, like, anything the NOSB can do  
9 to, like, reshape that or bring that to life, or  
10 is that just dead? Or I don't know if I'm allowed  
11 to be so blunt in my question, but that's me.

12 And then the other question with the  
13 inerts. Another thing that seems important to me,  
14 and it's like I'm not that kind of scientist, so  
15 I can't always wrap my head around it. It sounds  
16 to me like the NOP is going to take additional steps  
17 on this, and I'm just wondering if you can elaborate  
18 upon that process and how you see it going ahead.

19 Thank you.

20 DR. TUCKER: Yeah. Great questions.

21 Let me talk about native ecosystems first. Yeah,  
22 this is one where there's a lot of science involved.

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1       There's also a lot of emotion involved. People  
2       feel very, very strongly about this, and it really  
3       does strike at the core of organic, some very key  
4       questions. The challenge with native ecosystems  
5       has been that there is the intent of the organic  
6       community and the intent of organic. And then  
7       there is the actual act, the Organic Foods  
8       Production Act, and what it says.

9               And so the recommendation from the  
10       NOSB, it drew outside the lines of OFPA. And so  
11       it called for, like, a ten-year transition period.

12       So there were things in that recommendation that  
13       really can't -- there's not a line back to the act  
14       on how it would fit within what Congress actually  
15       authorized us to do regulations on. So the  
16       question is, what's next?

17               There's also questions of costs there,  
18       that's -- there's a question of whether it would  
19       actually discourage transition, and questions of  
20       costs. So economic impact of that role. So it  
21       is -- right now, it is -- we do take the  
22       recommendations seriously. We have done internal

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1 sort of thinking and talking and analyzing on it.

2 And as some of the public comments said, you really  
3 can't get around some of the legislative issues.

4 So the question is, I've heard from  
5 folks who are willing to compromise on this and  
6 who have learned a lot also about the boundaries  
7 of OFPA. And so the question is: Does the board  
8 want it back? Would you want to request a work  
9 agenda item to see if you can come up with a  
10 recommendation that would be more closely aligned  
11 with OFPA?

12 I'm open to that conversation, because  
13 right now it is not actively on a regulatory agenda.

14 I think if the Board -- is this is something the  
15 Board wanted to take another stab at closer -- more  
16 closely aligned with OFPA, I'm open to hearing  
17 about that and having that conversation.

18 On inerts -- inerts is incredibly  
19 complicated. And the Board has come up with  
20 recommendations on inerts. There is no easy  
21 button on inerts. And so there was a  
22 recommendation from 2015 that really called on us

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1 to work with EPA and the Safer Choice Program.  
2 We've been in touch with EPA and the Safer Choice  
3 Program, and it's not a good fit with them.

4 They have a very different theory of  
5 the case, in terms of their reason for being is  
6 very different. They don't have a list that is  
7 codified in the regulations, which is a problem  
8 for us in terms of how the process works. So I  
9 think the recommendation that the board came up  
10 with is -- it's just not feasible, given EPA's  
11 definition of their programs.

12 And so we have prepared an -- the board  
13 at that -- has discussed this. And I've put --  
14 the general feeling was we need to hand the reins  
15 over to NOP and the community for a little bit,  
16 through an advanced notice of proposed  
17 rule-making, to get some concrete recommendations  
18 on what the best path is.

19 So what we've done is, we consolidated  
20 all the conversations that have had done to date  
21 with a number of options based on everything that's  
22 been heard so far. And we've written it into an

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1 advanced notice of proposed rule making. That  
2 would be a formal publication, the federal  
3 register, that everyone would then have the  
4 opportunity to comment on.

5 Based on that, it could either go back  
6 to the board for a very specific question. Or we  
7 could move ahead with the proposed rule, based on  
8 the feedback. It could go either way depending  
9 on what comes out of the ANPR. Carolyn, that was  
10 a lot of data, did it actually answer your question?

11 DR. DIMITRI: Yeah. Both of those  
12 were really wonderful answers. Thank you, Jenny.

13 I think I have a much better sense of where, you  
14 know, where the world stands on those two very  
15 complicated and important issues. Thank you. I  
16 appreciate that.

17 MR. POWELL-PALM: Thank you for that  
18 question, Carolyn. Next up, Kyla.

19 MS. SMITH: Jenny, thank you so much.  
20 That was a great update. I'm going to ask you  
21 a question not related to anything that you just  
22 talked about. So apologies about that. But this

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1 is sort of top of my coming off of OTA's Organic  
2 Week. And that being that there's several  
3 situations happening on the international  
4 landscape that either are or have the potential  
5 to impact imports of certain commodities, mainly  
6 soybean meal and certain oils.

7 And so I just wanted to ask you, what  
8 do we all need to know and keep in mind, up and  
9 down the supply chain or other stakeholders, if  
10 and when we are hearing about these shortages and  
11 are trying to preemptively plan for shortages that  
12 are being caused by the international situations?

13 DR. TUCKER: Yeah, great question,  
14 really important in the daily lives of a lot of  
15 farmers and a lot of processors out there in the  
16 world. So I'm going to share with you and then  
17 by extension, the entire community here, our policy  
18 on this. So the question relates to the use of  
19 non-organic feed and ingredients in organic  
20 commodities and products.

21 So generally how the question comes to  
22 us, may I use non-organic feed to feed my livestock?

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1       Or may I use a non-organic ingredient in my potato  
2 chips or whatever my processed product? And so  
3 since the start of the pandemic in fact, the program  
4 has periodically been asked if we would allow the  
5 temporary use of, for example, non-organic  
6 livestock feed for organic, as an example, poultry.

7       And the temporary use of non-organic ingredients  
8 in processed food during -- due to different types  
9 of supply chain disruptions.

10               You know, our primary mission has to  
11 be to protect the integrity of the seal and to  
12 ensure a fair and competitive playing field. So  
13 requests for exemptions to the regulations, such  
14 as the use of non-organic feed and ingredients,  
15 are handled through a process called the Temporary  
16 Variance Process, which is laid out in the regs  
17 and the NOP handbook. Those requests come from  
18 certified operations through their certifiers to  
19 the NOP.

20               And so with respect to requests for  
21 non-organic feed, it is longstanding published  
22 policy and practice that temporary variances may

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1 not be granted for feeding non-organic feed to  
2 organic livestock. This is outlined in NOP 2606,  
3 which is our instruction on temporary variances  
4 in the NOP handbook. This type of both formal and  
5 informal request has been submitted for dairy  
6 animals in the past due to drought. And we have  
7 rejected it every time.

8 So these supply chains have --  
9 questions recently have been different. They  
10 focused more on poultry than on dairy, but our  
11 messaging and policies have been consistent over  
12 time on that. We've also received the question  
13 about non-organic ingredients. Most recently, we  
14 reviewed and evaluated two temporary variance  
15 requests to use conventional non-GMO sunflower oil  
16 in place of organic sunflower oil in certified  
17 organic processed products due to business  
18 interruption.

19 And so I'm going to get a little  
20 regulatorily wonky here because I think it's  
21 important. The regulations at 7 CFR 205.290e,  
22 which is temporary variance -- it's part of the

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1 temporary variances section, says that temporary  
2 variances cannot be granted for any practice,  
3 material, or procedure, prohibited under 205.105,  
4 which is allowed and prohibited substance methods  
5 and ingredients. Now, sunflower oil is not listed  
6 in 205.606, which is non-organically produced  
7 agricultural products allowed as ingredients.

8 And so as such, non-agricultural sun  
9 -- non-organic sunflower oil is a material that  
10 would be prohibited under 205.105d, and therefore  
11 may not be used in products labeled as organic.

12 And so these are regulatory constructs that are  
13 laid out in the temporary variance section and its  
14 cross references throughout the regulations.

15 And so the use of only organic feed for  
16 organic animals and the use of organic ingredients  
17 in organic products, or it's consistent with the  
18 regulation, and is a core expectation for  
19 consumers, and is essential to maintain a fair and  
20 competitive market. And so I did want to -- I  
21 appreciate the question. We've been getting that  
22 question enough, but I think it's useful to review,

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1 even though it's wonky, the full picture in this  
2 public setting. Again, that was a lot. How did  
3 we do?

4 MR. POWELL-PALM: Great. That was the  
5 wonkiness we need right now. It's a tumultuous  
6 time, so really appreciate the depth you do in  
7 there. Next up, we have Wood.

8 MR. TURNER: Thanks as always, Jenny.  
9 I apologize. It's going to be a little bit long  
10 as well, but I'll try to keep it brief. You know,  
11 as I'm listening to Sean Babington speak this  
12 morning and referencing this issue, and then trying  
13 to sort of reconcile the conversation -- the  
14 presentation from Adam Chambers with this sort of  
15 need for data. And sort of deeper data and deeper  
16 harmonization.

17 You know, something it's on my mind  
18 relative to that topic is the fact that we still  
19 have very persistent areas of certification for  
20 folks that don't have for socially disadvantaged  
21 farmers, you don't have access to as many systems,  
22 don't have access to the data collection tools and

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1 the like, and so I'm just -- it's hard to sort of  
2 almost process sort of where we need to go relative  
3 to kind of the need for data.

4 And I'm just curious, I know you have  
5 spoken to this before, but I'm curious about  
6 progress that's being made at USDA and in the NOP  
7 to make sure that resources are getting allocated  
8 to farmers who have been -- who don't have access  
9 to the kinds of resources that are needed to be  
10 able to ensure sort of an affordable certification  
11 process. And I'm just curious about partnerships  
12 that may exist that sort of help ensure that folks  
13 who have not had access or not had as much  
14 opportunity to participate in the program, are  
15 getting some of these funding opportunities to a  
16 variety of means.

17 So if you could speak to that a little  
18 bit. And if you can put it in context for some  
19 of these leaps forward that I think the reference  
20 in some of what Adam particularly was talking about  
21 today. That would be really helpful, if that make  
22 sense.

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1 DR. TUCKER: Yeah, it does make sense.

2 And so let me briefly talk through -- there is  
3 a significant interest in the topic of how best  
4 to support farmers going through organic  
5 transition. And so last year, Secretary Vilsack  
6 did announce that USDA would be providing 200  
7 million to support organic transition initiatives  
8 with a goal of building more, and better, and fairer  
9 markets for any farmer with interest, by helping  
10 farmers navigate transition and supporting a  
11 strong market.

12 The details associated with that  
13 organic transition program are being developed  
14 right now. And so we've heard a lot from  
15 stakeholders on the needs of transitioning  
16 farmers. So the importance of consistent  
17 standards and the importance of protecting those  
18 standards, but also the need to support  
19 transitioning farmers and remove those supply  
20 chain barriers.

21 And so we've heard that the need for  
22 direct farmer to farmer mentoring and technical

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1 assistance to really have somebody right in your  
2 community who can help you understand, and navigate  
3 the technical aspects, who speaks in your language,  
4 and who understands not only the physical  
5 environment, but the cultural environment, the  
6 market environment that you're working in. And  
7 the need to engage knowledgeable really local  
8 partners that provide very much hands on, like,  
9 field base assistance, workshops, field days,  
10 access to local resources, and peer-to-peer  
11 mentoring.

12 And a range of topics, things like  
13 agronomy, certification, extension services,  
14 where do I go to get help, conservation planning,  
15 business development, navigating the supply chain,  
16 regulations, and even local marketing.  
17 Strengthening the link between conservation  
18 management and organic transition. That comes up  
19 over and over and over again.

20 We can do some of that at headquarters  
21 here. We can work closely with NRCS to talk about  
22 how do we get these systems better aligned. But

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1 we also need to build the expertise across USDA  
2 to build a pool of organic inspectors, really  
3 focusing on those underserved -- traditionally  
4 underserved area in a way that supports equity  
5 while also developing market.

6 So that's a lot of need out in the  
7 community, and we have heard that those are the  
8 types of services that would help make that  
9 on-boarding into transition a bit easier. Again,  
10 we're not ready, USDA is not quite ready to announce  
11 a sort of a -- the formal program, but those are  
12 the types of things we've heard, and it does build  
13 on that commitment that Secretary Vilsack made  
14 about a year ago on organic transition.

15 So I don't -- right now, would have the  
16 specifics of that program to talk about. But I  
17 can tell you that it is a big point of interest  
18 and emphasis within the administration.

19 MR. TURNER: Appreciate the progress.

20 Thank you.

21 MR. POWELL-PALM: Amy, please go  
22 ahead.

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1 MS. BRUCH: Sure. Thanks, Nate.  
2 Jenny, thank you for your detailed explanations  
3 to our questions that you're -- that we're  
4 answering -- or asking. Anyway, I have a two-part  
5 question on economics. I know economics is an  
6 additional metric the NOP leverages in order to  
7 evaluate the NOSB recommendations and to turn them  
8 into rules.

9 First part is, can you elaborate from  
10 what point of view economics are considered, since  
11 the organic community is diverse and consists of  
12 organic certificate holders and non-certificate  
13 holders. I just wanted to know that perspective  
14 of which viewpoint you look at and consider.

15 And then secondarily, I just wanted to  
16 know the timeline that you are also evaluating when  
17 considering economics. Because from a point of  
18 view of one group, costs might be high on the front  
19 end, but if you look at another group's point of  
20 view, they could incur significant cost down the  
21 road or accumulative cost.

22 DR. TUCKER: Yeah, you know, they have

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1 entire courses on that question.

2 MS. BRUCH: Yeah.

3 DR. TUCKER: But I'm going to give a  
4 bit of an overview, because I think we are all  
5 learning a whole lot about what the Office of  
6 Management and Budget, again, OMB, is really  
7 interested in when it comes to cost with these  
8 rules. We learned as a team a lot in writing and  
9 finalizing, strengthening organic enforcement  
10 origin of livestock and in the OLPS process. And  
11 so -- and this is something that we don't consider  
12 as much at the board level, but is -- comes front  
13 and center during rule making.

14 And I think that is some of the times  
15 the disconnect, where people that go well, the  
16 board process should be, that is the thing. You  
17 know, what it -- what about all this stuff. It's  
18 the board stuff that really is at the heart of it.

19 And we have to remember that rule making is under  
20 a completely different set of rules. That's  
21 called the Administrative Procedures Act, and OMB  
22 governs how rules consider economic analysis. And

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1 that's really separate from any back-up process  
2 that governs the board.

3 And so I think there is a little bit  
4 of a switch that happens when we get to rule-making  
5 in terms of economics becoming kind of front and  
6 center. And so if OMB deems a rule significant  
7 or economically significant, meaning it hits a  
8 certain cost threshold, that we have a number of  
9 steps we need to go through for economics. Now,  
10 most organic regulations beyond routine national  
11 list rules are considered significant, because  
12 they raise policy issues that are novel, and  
13 therefore they required economic analysis.

14 So what does that actually mean? There  
15 are actually nine steps to it. We have to identify  
16 what the need is, so what is the problem to solve?

17 We have to define the baseline in terms of how  
18 much does it cost now. So origin of livestock just  
19 published, that's an easy one to talk about. What  
20 is happening? So what are the practices out there  
21 and how much did those practices cost?

22 What is the time horizon of analysis?

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1       So how quickly do farmers need to change their  
2 practices to a new method, and for how long will  
3 those cost be incurred. If you're talking about  
4 changes to capital investments like buildings and  
5 things like that, there maybe a longer time  
6 calculations and sometimes agencies use, for  
7 example, IRS depreciation models to figure those  
8 types of things out.

9               So there are a lot of different kinds  
10 of data that you can use to define the baseline  
11 and the time horizon on when things would change.

12       Generally, you identify a range of regulatory  
13 alternatives, so no action is always an  
14 alternative. And then there may be different  
15 types of alternatives that have different costs  
16 with them. Sometimes those different  
17 alternatives relate to how long it will take for  
18 the implementation period, because different costs  
19 maybe incurred over different time periods.

20               What are the consequences of those  
21 alternatives, you have to describe sort of,  
22 therefore, what's the if-then consequences of each

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1 of those alternatives, and quantify and monetize  
2 the benefits and costs. You also have to discount  
3 the future benefits and costs. And so they're all  
4 sorts of economic formulas and very complex Excel  
5 worksheets that go into these things.

6 There's also non-quantified and  
7 non-monetized benefits and costs. So I think one  
8 of the things we struggle with in organic is  
9 quantifying the benefits. So how do you quantify  
10 the benefit of a rule, because it turns out, you  
11 know, consumer expectations sounds lovely and is  
12 really hard to attach a number to when it comes  
13 to something like origin of livestock, right? And  
14 so how do you find the numbers that support the  
15 benefits?

16 And how do you find the cost figures  
17 when you're working in a public-private  
18 partnership where certifiers have a lot of this  
19 data, and there's a full range of production  
20 practices. So those costs really do relate to  
21 whatever the rule is at hand. And how do you  
22 quantify or describe the consumer benefits or the

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1 benefits to producers?

2 Now, it was interesting in SOE and this  
3 was in the proposed rule that was published. So  
4 I can talk about that. That the benefits outlined  
5 in SOE related to the avoidance of fraud. And so  
6 if you're decreasing the incidents of food fraud,  
7 you have to make all sorts of estimations based  
8 on published research on how much does food fraud  
9 cost. And if you take these actions, how much food  
10 fraud are you going to cut out of the system? And  
11 how much money is that going to save?

12 Again, it's very, very quantitative.

13 And so we often in organic talk about the intent  
14 of the act, or our consumer expectations, or all  
15 of the non-quantified benefits, just like the  
16 climate conversation with data -- OMB likes data  
17 a lot. They really like data. And that's hard,  
18 and so the costs are considered -- the benefits  
19 are calculated based specifically on the  
20 alternatives in a rule, what the rule is going to  
21 do, and how it changes practices.

22 So for example, origin of livestock may

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1 have actually a big impact in the market. The  
2 costs are actually relatively reasonably low  
3 compared to other kinds of rules. Now it might  
4 cost certain types of operations money, and there  
5 might be disproportionate costs based on the size  
6 of the operation and the current practices to  
7 change those practices.

8 And SOE, Strengthening Organic  
9 Enforcement, a lot of the cost are actually  
10 paperwork in nature, that certifiers need to do  
11 more supply chain analysis. So it's a lot of the  
12 costs of that verification need to be taken into  
13 account. So again, time analysis, time periods,  
14 and the actual cost and the audiences impacted vary  
15 by rule and by the data that is associated with  
16 a stakeholders who are actually impacted by those  
17 rules. I'm going to pause there for follow-up or  
18 questions. That might have been more than you  
19 wanted.

20 MS. BRUCH: No, that was really helpful  
21 to just understand, just because I do know, again,  
22 our community consists of those that hold

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1 certificates and those that do not. And we work  
2 together in concert. So it was just helpful to  
3 hear that in a bigger picture of how these things  
4 are evaluated. Thank you.

5 MR. POWELL-PALM: Sorry about that.  
6 Thank you for the questions so far. As we move  
7 forward, we are running well into the lunch hour.  
8 So if folks could try to keep them succinct, you  
9 keep your questions succinct so we can all get to  
10 through everyone, and still have the time for a  
11 break, that would be great. So Allison, please  
12 go ahead.

13 MS. JOHNSON: I'll cut my long rambling  
14 preface to the question then. Thanks, Jenny, for  
15 your time and for the focus on climate smart  
16 agriculture today. I think it's really exciting  
17 to have recognition within our world of what  
18 organic can contribute to the conversation, and  
19 I'm excited to see it on our work agenda. And I'm  
20 curious, if you could say a little bit more about  
21 what you see the NOSB's role and our stake holders  
22 role in advising the program and raising the

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1 profile of organic within USDA and the  
2 administration at large as a climate solution.

3 DR. TUCKER: I will also keep this  
4 short. I think the -- it's so important to come  
5 up with practical solutions. Climate can feel so  
6 big, and so multi-dimensional, and so messy. I  
7 would love the board to come back with  
8 recommendations that are practical for farmers and  
9 that help us communicate effectively about climate  
10 change both across USDA and with farmers.

11 And so, a lot of the questions we've  
12 asked are pretty concrete because it can get so  
13 big and so esoteric. But I do think, you know,  
14 the path for work can centralize so much around  
15 organic practices that are already being done.  
16 How do we explain it? How do we capitalize it?  
17 How do we capture it? How do we tell that story  
18 using data in a compelling way? How do we help  
19 organic farmers navigate that world? But I would  
20 love to see a focus on practical impact out in the  
21 community.

22 MR. POWELL-PALM: Javier, please go

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1 ahead.

2 MR. ZAMORA: Thanks, Nate. Thanks,  
3 Jenny. Anything they throw at you, it seems like  
4 you are very well prepared, and I really appreciate  
5 that. So my comments and my couple of questions  
6 that I have are really simple. I wanted to ask  
7 you, you describe the process and you summarized  
8 really nicely the different comments that we got  
9 written and verbal comments during the time the  
10 people, the public were able to make comments.

11 And one of the first questions is, and  
12 then there's a second period during the  
13 implementation of the ruling, that there's another  
14 opportunity for the public to make some comments.

15 But not everyone does that. They don't return.

16 And my question is: Do you -- does the NOP take  
17 -- consider the first set of comments at the  
18 beginning for the second process of  
19 implementation? Again, I'm new maybe, yes, but  
20 that's one.

21 And I'm saying this because sometimes  
22 there is a limit of how many people can actually

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1 make comments. I'm talking about farmers and  
2 constituents around here. So it's limited, it's  
3 not for everybody. So maybe as they're doing the  
4 implementation of the ruling, it's -- it gets a  
5 little more corporate because people are following  
6 what's going on. So those initial farmers don't  
7 really have the opportunity to make comments again,  
8 because maybe limited to how many people. That's  
9 one.

10 And then, you also talked about changes  
11 of, you know, the percentage of the rule making  
12 doesn't get out of the pipeline. And a lot of  
13 people were very frustrated with that. What's the  
14 percentage of changes in, let's say the board, the  
15 NOSB board, some part of it now decides to makes  
16 a rule, but then it's an adverse at the end. What's  
17 the percentage of that? Because I hear, like, it's  
18 a high percentage.

19 And then I guess that's about it. But  
20 anything that as we talk and how fellow board  
21 members, how they're -- how smart they are. It  
22 sounds like there's questions, and questions,

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1 questions about just every little thing. And I  
2 would probably be here for a week. But anyway,  
3 those are all my questions. I really appreciate  
4 you taking them on.

5 DR. TUCKER: Yeah, they're great  
6 questions. And so, I'll take the first one first  
7 about kind of these two phases of board work and  
8 rule-making work. And I do talk about  
9 participating in both. When we write a proposed  
10 rule -- so we do pick up a board recommendation,  
11 we write a proposal. That proposed rule, we do  
12 take the board input very seriously. And in fact,  
13 a lot of that proposed rule really describes what  
14 the recommendation was.

15 And it wouldn't even -- that -- it's  
16 very important background and context for why we're  
17 proposing it and how we propose it in the rule.

18 So all of that work into the board process does  
19 feed forward into that proposed rule phase. I've  
20 gotten some really interesting recommendations and  
21 comments about how that tie-back could be stronger.

22 So for example, in the supporting

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1 documents part of the docket, when we approach a  
2 rule, could we be more overt in linking back to  
3 board to work on a topic to make that connection  
4 more complete, so people who are working in the  
5 rule-making process can see all the work they might  
6 not be aware of, all the work that went into that.

7 And that seems like a really good idea to me to  
8 tie those processes together and say, hey, this  
9 recommendation came out of an awful lot of work.

10 And we do describe those in the proposed  
11 rule. The comment period, what we do, though, in  
12 a proposed rule that differs from what the board  
13 does, is we do, for example, for the significant  
14 rule, do a fairly detailed economic analysis, all  
15 the stuff I just talked about, in the answer to  
16 the last question, which is in the proposed rule,  
17 that isn't part of that NOSB recommendation. So  
18 it is new information.

19 And I think -- so for that phase, we  
20 do need everybody kind of commenting again on  
21 whether the costs are accurate, whether we miss  
22 costs or their benefits for which there are data

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1 that we haven't captured. So the proposed rule  
2 does capture the Board's work, but it also has this  
3 additional cost component, which is why it's so  
4 important to continue the comment process.

5 You know, we had three phases of public  
6 comments for Origin of Livestock, where we over,  
7 and over, and over, and over, and over again asked  
8 please give us more cost data. Please give us more  
9 data that -- to inform this rule-making. That's  
10 where -- that part isn't really part of what the  
11 Board tends to look at because of the criteria that  
12 the Board is considering is different from the  
13 rule-making process.

14 So I think that's why both phases are  
15 important, and why they're different, and why  
16 people who really do care about the economics are  
17 paying very close attention in the rule-making  
18 process, because that's where rule making -- that's  
19 where the economics tend to play out is in the  
20 rule-making process, not the Board process. So  
21 they're slightly different emphasis points.

22 In terms of the amount of rule-making

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1 that moves ahead, we do keep a -- it's kind of the  
2 score card, that recommendations library that we  
3 update. It has the percentage complete of all the  
4 recommendations that have come from the Board, what  
5 we've completed. Now, according to our tally, I'm  
6 going to use the lowest number.

7 For practice standards, it shows that  
8 we have implemented more than 80 percent of the  
9 Board's recommendation. We don't always  
10 implement those things through rule-making. But  
11 sometimes, I said it earlier, you don't have to  
12 change the rule. What you need to do is enforce  
13 the rule, or perhaps as dealt with through  
14 training, or guidance, or handbooks. The  
15 rule-making process is really long.

16 And so we have to pick those -- you have  
17 to pick those carefully in terms of, we only get  
18 so many points with all the different steps of the  
19 review process. Because we're competing with  
20 every other program, and every other agency for  
21 limited capacity at OMB, limited capacity at USDA.

22 In all the different offices, I have to look at

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1 all these rules. And there's -- there is the  
2 reality of political cycles, the reality of through  
3 put, and what can make it through all these  
4 different offices.

5 So that's why sometimes we don't move  
6 ahead with rule making. I do think we want to be  
7 -- I want to make sure that we're communicating  
8 more actively about when priorities change and why  
9 they change. Because we're all learning as we move  
10 here, and we're all learning what works, and we're  
11 all learning what doesn't work. And I think as  
12 long as we're all willing to learn together, we're  
13 going to be fine.

14 MR. POWELL-PALM: Ryan, please go  
15 ahead.

16 MR. CALDWELL: Well, Jenny, thanks so  
17 much for sharing all this with us. I cannot  
18 believe how many balls you have in the air. It's  
19 just shocking to me, but, you know what I mean,  
20 amazing job with it. I hope this can be -- hope  
21 ti can be quick. You mentioned that more  
22 information was needed in order to move the whole

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1 hydroponics issue forward. But I'm wondering if  
2 you can just elaborate briefly on exactly what  
3 types of information are needed there?

4 DR. TUCKER: So this is -- there was  
5 a 2010 recommendation on containers, so it's often  
6 kind of referred to hydroponics and containers,  
7 that's often referred to. When you actually read  
8 the recommendation, there's not a lot of detail.

9 It's a fairly short part of that recommendation.

10 And so standards, you know, container standards  
11 would be -- so if we worked on container standards,  
12 somebody suggested -- a few suggested in the  
13 comments that it would need to be, like, a separate  
14 section of the regs.

15 For example, if there was a separate  
16 section of the regs. There's a lot of technical  
17 work that would need to go into that. And so --  
18 and to defining what those standards would be for  
19 those types of production systems. We do not, at  
20 the program level, have that level of expertise.

21 So the task force -- we did have a task force that  
22 worked on this issue before the Board voted on

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1 hydroponics. I think it was 2017.

2           So there was a lot of work that went  
3 into that task force, but a lot of that work was  
4 on sort of the pros and cons of the system. Not  
5 what the standards would actually be, what those  
6 producers would actually have to do to comply.  
7 And we don't have that technical -- we have the  
8 regs that bind us all, and a shared set of standards  
9 that bind us all. But I think the point or the  
10 feedback has been they need to be more specific  
11 in order to ensure consistency and fairness.

12           And that's where I think a process would  
13 be needed to articulate what those standards would  
14 be. So right now, the USDA organic standards do  
15 govern that system, but more specificity would help  
16 implement them more consistently across different  
17 production systems, because systems are different  
18 in different parts of the country. So that kind  
19 of standards development work at a level of  
20 granularity is needed that we don't have right now.

21           MR. CALDWELL: Great. Thanks.

22           MR. POWELL-PALM: Thank you, everyone

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1 for those questions. And thank you, Jenny, for  
2 fielding such a wide variety of questions all at  
3 once. Really appreciate your insight, and you  
4 said you can get us into the program on that. All  
5 right, folks, we are right pushing up to lunchtime  
6 -- well, actually, pushed well past it. So thank  
7 you for the great conversation.

8 Let's come back at half past the next  
9 hour. So it's 43 after right now. Let's give  
10 ourselves about 45 minutes for lunch. Livestock  
11 is looking pretty lean, so we'll be all right, I  
12 think, on timing. So let's plan to come back half  
13 past the hour in whatever time zone you're in.  
14 And we'll pick up with livestock right after that.

15 (Whereupon, the above-entitled matter  
16 went off the record.)

17 MR. D'AMORE: Yeah. Well, you've got  
18 a long history with the organics, and it's nice  
19 to see that some of us just have a long history  
20 with an aspect of farming or handling. And it  
21 doesn't always have to be or have been organics.

22 And as I said earlier, today, I was doing all of

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1 that before organics was born.

2 And by the time it was born, was getting  
3 enough traction from, you know, hydroponically  
4 grown or living lettuce, or whatever you wanted  
5 to say. But there -- there's no doubt that this  
6 organic seal was something precious and something  
7 we have got to continue to nurture. Yeah. Okay.

8 Well, I'm going to stop yacking and get my desk  
9 straightened up, and thank you for responding.

10 MR. POWELL-PALM: Thank you.

11 MR. D'AMORE: Yeah. Take care.

12 MR. CALDWELL: Jenny, thanks for that  
13 quick answer on that last one, I was worried about  
14 asking yet another question as we went in to our  
15 lunch, but you made it very quick, so that's great.

16 DR. TUCKER: Great questions today.  
17 I enjoyed the discussion.

18 MR. CALDWELL: Your answer -- your  
19 detailed answers were wonderful, and like I said,  
20 I can't believe you can carry all that in your head.

21 That's amazing, so --

22 DR. TUCKER: I got to tell you, I love

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1        what I do, and I love us and that makes all the  
2        difference in the world.

3                    MR. CALDWELL:    Great.    Great.

4                    MR. POWELL-PALM:    All right.    Welcome  
5        back, folks.    Half past, whichever hour you are  
6        in, so hope everyone got a little sustenance to  
7        keep us through the afternoon.    We're going to be  
8        jumping right into livestock subcommittee.    And  
9        this is going to be a fairly quick run-through,  
10       because we are not voting on any of the materials.

11       We're just hearing from the board members who have  
12       taken on becoming experts in these materials.    So  
13       I'm going to hand it off to Kim Huseman, the  
14       chairperson of the livestock subcommittee.    And  
15       we'll go from there.    Kim, all yours.

16                    MS. HUSEMAN:        Thank you,    Nate.  
17       Welcome, everybody back this afternoon.    The  
18       livestock subcommittee currently has a fairly  
19       light agenda.    We do have six sunsets, though, that  
20       will be presented for voting in the fall.    And it's  
21       been about six months since we've gone through  
22       these, so bear with us as we get our cadence down.

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1 But we're going to start with the first sunset  
2 review, which will be chlorhexidine.

3 And I am actually also the lead for this  
4 particular sunset review. So I'll go ahead and  
5 hand it over to Kim. So we'll go ahead and get  
6 started here then on our first that review,  
7 chlorhexidine. Chlorhexidine is listed under 205  
8 603(a ) as a disinfectant, sanitizer, and medical  
9 treatments as applicable. For medical procedures  
10 conducted under the supervision of a licensed  
11 veterinarian. Allowed for the use as a teat dip  
12 when alternative germicidal agents, and/or  
13 physical barriers have lost their effectiveness.

14 Do want to point out that in the initial  
15 sunset review, we used the word surgical  
16 procedures. However, as per the national list,  
17 medical procedures under -- conducted under the  
18 supervision of a licensed veterinarian is the most  
19 technical verbiage. So in reviewing the written  
20 comments, and actually -- and oral comments during  
21 last week, did get a dozen responders for  
22 chlorhexidine.

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1           The majority of the responders,  
2 including two veterinarians, did speak in the  
3 affirmation to keep chlorhexidine on the national  
4 list as a medical procedure used by a veterinarian.

5           And spoke very highly of the necessity in those  
6 particular time periods, as well as a significant  
7 support for utilizing chlorhexidine as an  
8 alternative teat dip when other asked -- or when  
9 other products are not as effective.

10           We'll note that there was some comments  
11 regarding the use of a teat dip needing to be  
12 analyzed, and the review of the annotations should  
13 revert back to only for medical procedures.  
14 Essentially stating that necessity and natural  
15 alternatives being sufficient. However, in  
16 saying that, both dairy operators and  
17 veterinarians have supported the use of it as a  
18 alternative to a teat dip when other germicidal  
19 agents are not responding.

20           That was essentially the review for  
21 chlorhexidine. Any comments or questions? All  
22 right, seeing none, we will move on to glucose.

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1       And for -- let's see, I'm sorry. I have  
2       tolazoline, sorry, listed next here, on -- on page  
3       -- or on paper at least. And so tolazoline will  
4       be Amy.

5                   MS. BRUCH: Okay. Thank you, Kim.  
6       Tolazoline, so we're at 205603, and this is part  
7       A as disinfectant, sanitizer, and medical  
8       treatment as applicable. And then tolazoline goes  
9       on to say federal law restricts this drug to be  
10      used by whereon a lawful written, or oral order  
11      of a licensed veterinarian in full compliance with  
12      the AMDUCA, and the FDA regulations.

13                   And then also for use under 7 CFR part  
14      205, it requires, one, used by or on the lawful  
15      written order of a licensed veterinarian. Two,  
16      use only to reverse the effects of sedation caused  
17      by xylazine. And three, a neat withdraw period  
18      of at least eight days after administering to  
19      livestock intended for slaughter, and a milk  
20      discard period of at least four days after  
21      administering to dairy animals.

22                   So there's quite a few restrictions

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1 with this substance here. There's quite a bit of  
2 information out on use, manufacture, and  
3 international allowance. Currently right now,  
4 tolazoline is not listed as improved substance  
5 internationally or on food X, or IFO.  
6 Environmental issues with this particular  
7 substance is -- there's no published toxicity or  
8 carcinogenic studies on the toxicity or lethal  
9 dosage of tolazoline.

10 It is, though, listed by the EPA as an  
11 inert ingredient. The main question we had for  
12 stakeholders on tolazoline is just if there were  
13 any new non-synthetic substances that could be used  
14 to reverse the effect of xylazine and other  
15 sedatives as effectively as tolazoline. So that  
16 particular question in general, the community --  
17 most folks were stating that they were unaware of  
18 any additional substitutes for this particular  
19 product.

20 But there was one commenter out of all  
21 of them that did comment that mentioned there were  
22 two substances that could potentially be used, but

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1       there is not a history of them being used with  
2       regularity in farm animal medicine. So that was  
3       basically the answers and substitutions. And then  
4       comments in general, just to summarize those,  
5       tolazoline and xylazine are always used together.

6       So there was a comment to say, can we review these  
7       two in concert during the sunset process. I  
8       thought that was interesting.

9                Another commenter mentioned that  
10       keeping emergency treatments such as xylazine and  
11       tolazoline on the national list will allow working  
12       livestock producers to both provide emergency care  
13       to sick animals and maintain their organic status.

14       So all the comments were generally in favor of  
15       keeping this on the list.

16               The last thing, and this might be  
17       something to asterisk for address during xylazine  
18       sunset, was just there's some conflicting  
19       information between the usage from an FDA  
20       standpoint and the AMDCA. So that is something  
21       that the Board wrestled with a little bit back in  
22       2015, when the last time this was reviewed. And

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1 then in the tap there is some information that leads  
2 us to believe that maybe we want to take this up  
3 as a work agenda item to kind of dive into those  
4 conflicting view points on the usage of xylazine.

5 So if there's conflicting uses to xylazine, then  
6 that would impact tolazoline. Amy.

7 MS. ARSENAULT: Any questions for Amy  
8 on tolazoline. Not seeing any hands go up. We  
9 will move forward. The next sunset review is  
10 copper sulfate, and this one belongs to Nate.

11 MR. POWELL-PALM: All right. Thank  
12 you. So we have copper sulfate. It's on the  
13 national list of allowed synthetic substances for  
14 use in organic livestock production under 205.603,  
15 as a topical treatment, external parasiticides,  
16 or local anesthetic. Overall, comments,  
17 especially from producers, primarily dairy  
18 producers, were in favor of retaining this  
19 material. And that is an essential tool in the  
20 toolbox.

21 The uses of copper, as we've discussed  
22 in kind of across the sub-committees, is tricky.

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1 We do understand that it's a potential contaminant  
2 for the environment. And we're always looking for  
3 ways to identify other materials that might be able  
4 to serve the same purpose, while maintaining animal  
5 welfare and efficacy.

6 So as we look to alternatives, we did  
7 hear more talk about zinc, and identifying animal  
8 welfare practices that might reduce the outbreak  
9 of problems, especially in cattle production.  
10 It's something that I would love more input as we  
11 move into the fall meeting. But also thank you  
12 to all of the commenters who did bring really good  
13 information about their operations and their  
14 communities' operations on this material.

15 MS. BRUCH: Thank you, Nate. Any  
16 questions for Nate on copper sulfate?

17 MR. POWELL-PALM: I think Jerry has  
18 one,

19 MS. BRUCH: Oh, Jerry.

20 MR. D'AMORE: Not so much a question,  
21 but a willingness to share with you a brand new  
22 TR on this subject that's going to be coming in

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1 within a month. It's supposed to be 65 pages long.

2 But that's not how you judge a content. But I'm  
3 -- I concur with what you said. We are aware, it  
4 prompted us to the -- certainly at the crop  
5 subcommittee to go ahead and order another TR and  
6 I just would like to emphasize, as you said, across  
7 subcommittees, it's something certainly we are  
8 keeping our eye up.

9 MR. POWELL-PALM: Thank you for that.  
10 Javier has a question.

11 MR. ZAMORA: Yeah. I'm just having a  
12 little bit of a hard time hearing some board  
13 members, like Jerry, the last one. I can hardly  
14 hear him. And I think he's speaking maybe too  
15 softly.

16 MR. POWELL-PALM: I think Jerry's mic  
17 picked up for me a bit. It was a little cloudy  
18 this morning, but it definitely got -- has  
19 improved.

20 MR. D'AMORE: Javier, I would like --  
21 I don't know what to say to that other than talking  
22 louder, and that's what I'll do.

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1 MS. HUSEMAN: We can hear you better  
2 there, Jerry.

3 MR. D'AMORE: Thank you all.  
4 Appreciate it.

5 MS. HUSEMAN: All right. Any other  
6 questions for Nate? Seeing none, we'll go ahead  
7 and proceed. And the next sunset review is  
8 elemental sulfur. And elemental sulfur belongs  
9 to Brian.

10 MR. CALDWELL: Thanks, Kim. And I'm  
11 usually criticized for talking too loud. So if  
12 I'm too loud, Javier, just let me know. So we're  
13 going to look at sulfur. And sulfur is used for  
14 many different purposes in organic agriculture.  
15 And this is at 205.63 B, as a topical treatment  
16 for synthetic substance used in organic livestock  
17 production.

18 And basically, the comments are -- were  
19 pretty much not -- not 100 percent in favor, but  
20 I have, in my count, I had eight in favor of  
21 relisting, and one saying more review was needed,  
22 and one against saying that it was not essential.

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1       The question that we asked was: Are there  
2 alternatives that are sufficient to control  
3 external livestock pests? And basically we got  
4 no answer to that. We did get a listing of some  
5 materials that could be used, but there was no  
6 information about efficacy.

7               So essentially, in 2,000 -- the first  
8 time that this was proposed for use, it was added  
9 to the national list in 2019, and at that point,  
10 some livestock folks were saying that it was really  
11 an important need for their systems. So we got  
12 -- we have that in favor of it being essential,  
13 and then one person saying -- or one group saying  
14 that it was not essential, but no information about  
15 any efficacy of alternative controls. So I think  
16 -- just looking to see if there's any other -- any  
17 aspects that I wanted to bring up. Otherwise, I  
18 think it's pretty straightforward. So any  
19 questions on that one?

20               MS. ARSENAULT: Okay. Seeing no hands  
21 raised for Brian for elemental sulfur. Well done,  
22 Brian. Go ahead and move forward to lidocaine.

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1 And lidocaine goes back to you, Nate.

2 MR. POWELL-PALM: Thank you. So  
3 lidocaine is used as a topical treatment for  
4 external parasiticides or local anesthetic.  
5 Mostly as we've heard, lidocaine is used for pain  
6 relief, especially in the dehorning of cattle.  
7 And I think lidocaine is one of those materials  
8 in the organic toolbox that helps keep organic  
9 really at the forefront of animal welfare.

10 And I think we heard that that dehorning  
11 and horn management in especially dairy cows, is  
12 a common practice that we all have to deal with.

13 But having this tool available to reduce pain and  
14 suffering is very much in line with OFPA. And that  
15 was echoed in the public comments, both written  
16 and oral.

17 MS. HUSEMAN: Thank you, Nate. Are  
18 there any questions? All right. Seeing none,  
19 we'll move forward to glucose. And glucose is the  
20 last sunset item for livestock. This one belongs  
21 to Liz. So Liz, your first sunset review process,  
22 take it away.

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1 MS. GRAZNAK: All right. I appreciate  
2 Nate's confidence in all of us in that we become  
3 very knowledgeable about these subjects. Okay.

4 Glucose is a synthetic substance allowed in  
5 organic livestock production for medical  
6 treatment. For animal health purposes, it is  
7 primarily used as an aid in treatment of cattle  
8 when they go into negative energy balance,  
9 oftentimes after calving.

10 And this is also, well, it's known as  
11 ketosis, And glucose is a remedy for dehydration  
12 as well in cows and horses. My veterinary friend  
13 likened it to humans drinking orange juice when  
14 we need an energy boost. The main question that  
15 we had for stakeholders was whether or not other  
16 substances are available for the treatment of  
17 ketosis.

18 And if it is an equally necessary and  
19 effective tool for organic farmers for treatment  
20 of all stages of the development of ketosis.  
21 Generally, the comments that we got back, which  
22 weren't very many, were from the community that

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1 they emphatically support the need for the use of  
2 glucose, and that it definitely should remain on  
3 the national list without further annotation.

4 MR. POWELL-PALM: Nice work, Liz.

5 MS. HUSEMAN: Great job, Liz. All  
6 right. Any questions for Liz on glucose? All  
7 right. Seeing none, we have concluded all of the  
8 sunset reviews for the spring meeting in the  
9 livestock group.

10 MR. POWELL-PALM: Fantastic. Thank  
11 you, Kim. One thing I will just throw in there  
12 leading onto Liz's comment. It is a pretty tall  
13 order. When you are a board member, you come with  
14 certain expertise, and you may not be assigned  
15 subcommittees that reflect your expertise. So  
16 say, Liz is primarily, to my understanding, a  
17 vegetable grower. She doesn't deal with cows, but  
18 she has to learn a lot to be a good digester of  
19 information on behalf of the community.

20 So I think some folks jump on the Board  
21 thinking I'm just going to really bring my  
22 expertise to the subcommittees that most align with

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1 my experience. Unfortunately, that's not always  
2 an option. We need folks to serve on all the  
3 committees. So thank you, everyone, for going  
4 outside your comfort zones and doing really good  
5 work.

6 Next up, we're going to be moving on  
7 to compliance, accreditation, and certification  
8 subcommittee. I love reading that out because I  
9 always say CACS, and I really never remember what  
10 it stands for. So compliance, accreditation,  
11 certification subcommittee, and this is chaired  
12 by Amy Bruch.

13 MS. BRUCH: Hey, thank you, Nate.  
14 First off, I just want to extend a sincere  
15 appreciation to the subcommittee for the  
16 authenticity and diversity of perspectives that  
17 allow for valuable discussions on our work agenda  
18 items. And due to that robust deliberations that  
19 we do have, we're looking to extend our meeting  
20 time to just process more of these subjects that  
21 are important to the community.

22 I also wanted to extend a thank you to

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1 the stakeholder community who engaged in this  
2 process to provide us with real, genuine, and  
3 insightful comments on our work agenda. For the  
4 fall semester, we'll be continuing our work on  
5 these current agenda items, as well as adding to  
6 the list. Work on the memo that was delivered to  
7 us by the NOP in regards to organics and climate  
8 smart agriculture.

9 So that kind of furthers the work that  
10 Carolyn did last semester, and she'll be the lead  
11 on that. One public comment to mention before we  
12 get started is, debate is healthy and allows us  
13 for opportunities to strengthen a foundational  
14 principle of oversight in the organic system.  
15 With that said, we have approximately 60 minutes  
16 and three topics to cover.

17 So we'll plan on trying to spend about  
18 15 to 20 minutes on each one. And I'll work on  
19 prompting a five-minute warning just to try to keep  
20 us on track for each topic. So with that, Kyla,  
21 I will turn it over to you first.

22 MS. SMITH: Thanks, Amy. So the first

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1 proposal we have to talk about is the NOP's risk  
2 mitigation table. So the NOP sent the board a memo  
3 on November 18 asking us to review the risk  
4 mitigation table that was developed in response  
5 to the 2020 peer review conducted by ANSI. This  
6 table seeks to document the ways that NOP  
7 safeguards impartiality in the delivery of their  
8 services according to ISO 17011.

9 CACS reviewed the table and did not  
10 identify additional conflicts to be added. The  
11 CACS did ask stakeholders to provide feedback on  
12 it -- on two specific things. The questions are  
13 listed on the screen there. So firstly, to provide  
14 feedback on if there were any conflicts that were  
15 missing, and also also to provide feedback on if  
16 any conflicts were unclear.

17 The public comment received was  
18 appreciative of the opportunity to provide this  
19 feedback. There were some areas that commenters  
20 identified as missing. And a few areas for further  
21 clarification. Most of the commenters stated that  
22 the table did a good job at covering conflicts of

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1 interest, like, specifically related to, you know,  
2 personnel and decision making.

3           However, they identified that the areas  
4 that were missing were more related to other types  
5 of risks related -- or risks of impartiality. So  
6 I think we have a couple of options here, as the  
7 Board. We can -- I don't know that we're going  
8 to have the time in -- to debate all of the areas  
9 that were identified in the public comment, and  
10 parse through them all here today.

11           So we can either vote to move the  
12 proposal forward. And if the proposal would pass,  
13 then we can include a write-up in the cover sheet  
14 that the board recommend that the NOP include the  
15 suggestions that were identified in the public  
16 comment in the risk mitigation table. Or we can  
17 send this back to subcommittee, to further discuss  
18 each of the suggestions made in the public comment,  
19 and, like, sort of pass through them, in order to  
20 make a determination on whether or not we think  
21 that they should be included. And then come back  
22 with that more comprehensive proposal in the fall.

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1       So let's talk about those options.

2                   MR. POWELL-PALM:   Who wants -- okay,  
3       Brian, please go ahead.

4                   MR. CALDWELL:   I'm pretty strongly in  
5       favor on sending this back to the committee.   The  
6       way I see it, the table just does actually not  
7       include all the potential conflicts of interest.

8       And so I think it's kind of directly against --  
9       even if we put a whole bunch of caveats into the  
10      cover letter, it would actually sort of make the  
11      actual decision false.   So I would like it to go  
12      back, and I think there's plenty more to talk about  
13      here.

14                  MR.   POWELL-PALM:       Other thoughts?  
15      Amy, please go ahead.

16                  MS. BRUCH:   Yeah.   Kyla, I appreciate  
17      your work on this.   I think, you know, as is it  
18      does communicate needed information.   However, I  
19      think part of the comments from the stakeholder  
20      community in expanding the scope, I think that  
21      there is additional work that could be warranted  
22      on this.   So I would echo Brian to take it back

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1 to subcommittee and work on a little bit more  
2 expansive approach on this really important table.

3 And then I really took note and Jenny  
4 also mentioned this in her remarks about the  
5 community talking about the importance of the  
6 handbook and where some of our best practices land,  
7 and then the regulations. And just -- I don't know  
8 if that'll be in scope in this during the second  
9 round. But I thought just that's an important  
10 thing for the community and our board to digest,  
11 because best practices are voluntary, and the  
12 regulations are really where the enforcement and  
13 legal actions take place. So internalizing that  
14 information potentially in this chart might be  
15 helpful as well.

16 MR. POWELL-PALM: Rick?

17 MR. GREENWOOD: I agree with the two  
18 previous commenters. I don't think there's a  
19 great rush to do this. And I think it's better  
20 with a lot of these things that we look at, that  
21 we get it right because we don't get another shot  
22 at it for many years sometimes. So a little extra

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1 time in the subcommittees, I think, is well worth  
2 it to get it as close to accurate as possible.

3 MS. SMITH: Anybody else have  
4 thoughts? Go ahead, Kim.

5 MS. HUSEMAN: I was actually looking  
6 for the clapping emoji, but we don't have it.

7 MS. BRUCH: I mean, unless anybody else  
8 has any other comments or thoughts, I would go ahead  
9 and make that motion, but don't want to rush that  
10 conversation.

11 MR. POWELL-PALM: So we have a motion.  
12 Oh, sorry. Go ahead, Jerry.

13 MR. D'AMORE: Thank you-all. At this  
14 point, there's no other alternative from my point  
15 of view. The slow down here is comments from our  
16 stakeholders, and for me at least, there's been  
17 no debate on those comments. So I would go right  
18 along with the flow and support that motion then.

19 MR. POWELL-PALM: Okay.

20 MS. SMITH: Brian?

21 MS. ARSENAULT: Would somebody please  
22 just reiterate the motion?

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1 MS. SMITH: We didn't make the motion  
2 yet, so I will make it, but I just didn't want to,  
3 like, cut -- so basically it would just be a motion  
4 to go back to subcommittee. So we're just talking  
5 about the options at the pass. And like -- and  
6 I agree, it felt a little uncomfortable to me to  
7 just put, you know, hey, but it looked in the cover  
8 sheet without us talking through those -- each of  
9 the suggestions, so I -- I'm in agreeance with that.  
10 Go ahead, Brian.

11 MR. CALDWELL: Yeah, I just wanted to  
12 say that I really appreciate the committee going  
13 through this. This is really tough -- tricky  
14 stuff. And I think it's a great example of how  
15 the organic community can really -- can really  
16 expand our reach and help us out. So I just want  
17 to put those things out there, and thanks all for  
18 work on a difficult topic.

19 MS. SMITH: Yes. I would 100 percent  
20 second that. I am not an expert in the world of  
21 ISO, and so I'm really grateful to the stakeholders  
22 who are more knowledgeable on that area, and can

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1 provide us some really instructive and valuable  
2 feedback. Okay. I would make the motion to send  
3 the risk mitigation table back -- proposal back  
4 to subcommittee.

5 MR. POWELL-PALM: All right. We have  
6 a motion. Do we --

7 MS. BRUCH: I second it.

8 MS. SMITH: Okay.

9 MR. POWELL-PALM: So our first vote  
10 back to subcommittee. And we'll just be starting  
11 going alphabetically. We move forward one person  
12 each time we take a vote. So we have a motion on  
13 the floor to go back to subcommittee, motion by  
14 Kyla seconded by Amy. So Amy, you're the first  
15 vote.

16 MS. BRUCH: Yes.

17 MR. POWELL-PALM: All right. Brian?

18 MR. CALDWELL: Yes.

19 MR. POWELL-PALM: Jerry?

20 MR. D'AMORE: Yes. Thank you.

21 MR. POWELL-PALM: Carolyn?

22 DR. DIMITRI: Yes.

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1 MR. POWELL-PALM: Rick?  
2 MR. GREENWOOD: Yes.  
3 MR. POWELL-PALM: Liz?  
4 MS. GRAZNAK: Yes.  
5 MR. POWELL-PALM: Kim?  
6 MS. HUSEMAN: Yes.  
7 MR. POWELL-PALM: Mindy?  
8 MS. JEFFERY: Yes.  
9 MR. POWELL-PALM: Allison?  
10 MS. JOHNSON: Yes.  
11 MR. POWELL-PALM: Dilip?  
12 DR. NANDWANI: Yes.  
13 MR. POWELL-PALM: Logan?  
14 MS. PETREY: Yes.  
15 MR. POWELL-PALM: Thank you. Kyla?  
16 MS. SMITH: Yes.  
17 MR. POWELL-PALM: Wood?  
18 MR. TURNER: Yes.  
19 MR. POWELL-PALM: Javier?  
20 MR. ZAMORA: Yes.  
21 MR. POWELL-PALM: And the the the board  
22 chair votes yes. So unanimously, we are sending

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1 it back to subcommittee. Is that the right tally  
2 you got? I should always check with you, Kyla,  
3 15 and all?

4 MS. SMITH: 15 -- 15 yeses, there were  
5 no -- zero abstentions, refusals.

6 MR. POWELL-PALM: Fantastic..

7 MS. ARSENAULT: Okay. Thank you,  
8 Kyla. I appreciate that. We'll move on to our  
9 next agenda item, and that's by Jerry.

10 MR. D'AMORE: And I am unmuted, and  
11 thank you for the introduction. How about the  
12 volume? Are we all right here?

13 MR. POWELL-PALM: Sounding good.

14 MR. D'AMORE: Okay. So Human Capital  
15 Management, supporting the work of the NOSB. Then  
16 you referred to a document titled as NOSB technical  
17 support initiative, but they are one and the same  
18 initiative. The notion that the work load carried  
19 by the NOSB board members can be daunting, has been  
20 around for a long time. And this discussion  
21 document has its origins in the fall 2020  
22 discussion document titled human capital strategy

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1 for organic inspectors and reviewers.

2 That's where it all started, under the  
3 larger caption of human capital. The board  
4 meeting of last spring, one year ago, had a  
5 discussion document, again under the heading of  
6 human capital with a specific extension of that  
7 saying supporting the work of the NOSB. So the  
8 document contained in the spring 2020 binder  
9 reflects the CACS's desire to get feedback  
10 concerning NOSB technical support, specifically.

11 And I'm going to spend the rest of my time talking  
12 about the comments, because I find them to be  
13 extremely good and extremely revealing.

14 So there were 19 -- excuse me, 17 total  
15 commenters responding to the 2020 spring  
16 discussion document. About a third were oral and  
17 two-thirds were written. And most of these  
18 stakeholders did respond to all four questions.

19 And this one I got underlined, all of the  
20 stakeholders were in favor of some form of support  
21 for the NOSB.

22 So I'll review the questions and

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1        answers.  What are the advantages or disadvantages  
2        of having support come from within the government  
3        or from a non-profit or university?  First answer,  
4        no to any US government support, as it would  
5        threaten the NOSO -- the NOSB's autonomy.  The  
6        second one was no to USDA support.  And that's  
7        quite a distinction, as it does threaten NOSB  
8        autonomy can -- according to this commenter.

9                Yes to inside support, but it should  
10        be limited to career scientists within the USDA,  
11        EPA, and FDA, who themselves could work with land  
12        grant universities.  The public at large should  
13        be part of a support team through the use of the  
14        open docket.  Support should come from within the  
15        USDA, as there is too much knowledge to be ignored.

16        Next, is expand your thinking to include the  
17        organic community.  And then the last one, the last  
18        answer, regardless of where the technical support  
19        comes from, the NOP should be responsible for all  
20        contracting activity.

21                The next question, what NOSB tasks, if  
22        any, are critical to keep completely independent

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1 of the support team? The support team should not  
2 deliberate or decide an issue. They should not  
3 write final proposals. They should not be voting  
4 or arguing for or against anything. They should  
5 not draft recommendations, discussion documents,  
6 or other Board documents. They cannot be the  
7 primary author or -- of a subcommittee document.

8 They cannot initiate poles of  
9 stakeholder groups. They cannot communicate on  
10 behalf of the NOSB or any subcommittee. The  
11 support should -- support group should vet and  
12 review materials and documents for regulatory  
13 accuracy. I'm going to ask you to remember that  
14 term, regulatory accuracy. We'll get to that in  
15 a moment.

16 Number 3: should the support team be  
17 privy to all subcommittee meetings and  
18 discussions? There's four people or four groups  
19 answered that, and they all basically said, yes,  
20 when it pert -- when they're discussing things that  
21 pertain to where you're being active. So I won't  
22 read all four of the answers.

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1           The fourth question, what should be the  
2       scope of the NOP's relationship with the  
3       contemplated support group, i.e. should they be  
4       able to task the group directly? First answer,  
5       the NOP should not be able to task the support group  
6       directly. The next answer was no, period. The  
7       next, the NOP should administer the program by  
8       setting up contracts and making payments, et  
9       cetera. But the individual NOSB members should  
10      create the work plan. Direction of the technical  
11      support team should only come from the NOSB.

12           So those were the answers to the  
13      questions, but they're not where I found the most  
14      interest. They were good. But there are some  
15      random ones that did not address questions, and  
16      there's only five of those. And I'm going to read  
17      them to you. Create more time for critical  
18      thinking and reflection by going through this  
19      process. Use the endeavor to broaden the pool for  
20      a more diverse NOSB membership.

21           Make more and better use of your  
22      technical advisory panels. This initiative must

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1 equip the NOSB to provide NOP with clearer, more  
2 legally sound and actionable recommendations.  
3 You might find backlogs disappearing. This is a  
4 two-way street, managing the NOSB is a huge task  
5 for the NOP. And my last one is just one sentence  
6 from a former board member that says, this  
7 initiative is long overdue, and if well done, could  
8 greatly enhance the work of the NOSB. Thank you  
9 for your time.

10 MS. BRUCH: Thank you, Jerry, for your  
11 overview on that. I will open it up to any  
12 questions.

13 MR. D'AMORE: I guess pretty thorough.

14 MR. POWELL-PALM: Looks like Carolyn  
15 has a question.

16 DR. DIMITRI: It's not so much a  
17 question as a comment. I mean, I wonder -- I try  
18 to think of, like, appearances of impropriety or  
19 conflict. And I think it would be very hard to  
20 have someone working for USDA and not at least  
21 giving the appearance of a conflict.

22 MR. D'AMORE: Yeah. I think conflict

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1 of interest is probably the number one inhibiting  
2 discussion item. And I guess my response is --  
3 not to be cavalier, but my response is: I think  
4 on this one that the juice is worth the squeeze,  
5 and we got to find a way to do it. That's the way  
6 I would answer that.

7 And being totally transparent, I think  
8 we could manage that. But I was given this in  
9 February, thinking what the heck is it? And I've  
10 fallen in love with the notion, so I can't -- you've  
11 got to discredit me -- or discount, excuse me.

12 DR. DIMITRI: Well, I guess I have  
13 another thought, too. And, you know, I guess maybe  
14 because I'm in my position at the University, I  
15 can actually hire a student to do, I think, a lot  
16 of these activities that we're talking about having  
17 available to other people. So in a way, I mean,  
18 I think what -- I like having a person who is just,  
19 like, my person and I ask her, hey, can you do this?  
20 And it's, like, very defined and very tight.

21 And so I just wonder if there is another  
22 way to do this without having to go through USDA,

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1 because I do think about all of the medical conflict  
2 of interest and industry conflict of interest.  
3 And I think the research shows again and again that  
4 people think that they are never biased, but  
5 actually they are, because we just are unable to  
6 accurately assess how influenced we are by things  
7 external to us. And then I'm going to stop talking  
8 now, because I know I'm lucky.

9 MR. D'AMORE: Thank you for saying  
10 that. Yes, you are.

11 MS. BRUCH: Thank you, Carolyn.  
12 Allison, go ahead. I see your hand up.

13 MS. JOHNSON: Thank you. I had kind  
14 of a similar thought to Carolyn, and I appreciate  
15 that I'm quite green coming into this late in the  
16 process. So, hopefully this will makes sense, so  
17 I haven't missed something major. But it seems  
18 to me that members of the board will have different  
19 needs and could benefit from different types of  
20 support, given our broad range of backgrounds, and  
21 expertise, and work lives.

22 And I -- I'm especially interested in

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1 finding ways to improve representation of  
2 different perspectives on the board, and diversity  
3 in the organic sector. So one thing I didn't hear  
4 here was maybe assistance in hearing a broader  
5 range of perspectives or from stakeholders who we  
6 might not interact with directly -- sort of a  
7 different type of technical expertise that I wonder  
8 if there's a way to encompass that here as well.

9 Assistance with diversity, equity, and inclusion  
10 issues and ensuring that we have those types of  
11 resources at our fingertips.

12 MR. D'AMORE: Yeah. Allison,  
13 actually, I meant to capture that. And then if  
14 this doesn't do it for you, I'll do a better job.

15 Use this endeavor to broaden the pool for a more  
16 diverse NOSB membership base. So I -- and you  
17 know, everything that we're talking about is part  
18 of what is embedded in this proposal. And to the  
19 points that you both -- well, particularly you  
20 Allison, just made about well, excuse me, it was  
21 also Carolyn.

22 Some of us have resources, some of us

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1 don't. Some of us have innate expertise, some of  
2 us don't. So the question really there is: How  
3 do we parcel out the resources that we might get  
4 to fit the needs of our entire group. And, you  
5 know, in subcommittee we were kicking around the  
6 notion, well, maybe this should be mostly a chairs  
7 bucket of resources, that could be then parceled  
8 out amongst the subcommittee.

9           There are 100 different answers. And  
10 I actually thank you, Allison, because if it wasn't  
11 strong enough emphasized that this is in my mind  
12 a significant potential road towards inclusion,  
13 more than anything that I've seen come across in  
14 my going on three years now, so thank you for the  
15 comment.

16           MS. BRUCH: Thank you, Allison. Rick,  
17 is your hand up?

18           MR. GREENWOOD: Yeah. Thanks. I  
19 guess a lot of it depends in this term, conflict  
20 of interest on what we expect these people to do.

21           I mean, for some of the work that we do, it's highly  
22 technical. And I think that technical expertise

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1 sometimes comes from people that work in industry.

2 And so very different than, I think -- because  
3 I can get graduate students too, but usually they  
4 don't have the expertise to do some of this work.

5 They can do more stat work, or you can  
6 have them get literature reviews and things like  
7 that. But for some of the work that would be in  
8 a sense, like a TR, you really need people that  
9 have been in the industry that know the impacts,  
10 or they have been growers. And all of those  
11 people, I think, come with a bias. And I think  
12 if you recognize NOSB membership, we come with a  
13 bias. That's part of who we are, we represent some  
14 of these groups.

15 So it really is a tough call, and I know  
16 I've seen Jerry struggle with it, but it's a tough  
17 one to answer. And I think there is concern,  
18 though, that if we go down this path, which I think  
19 we really need, our stakeholders are going to be  
20 very concerned about who we get to help on this.

21 MR. D'AMORE: Okay. I guess I read  
22 fast. And this is not to negate what you just said,

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1 Rick, because I agree with every bit of it. But  
2 in my going on to three years, I've never been  
3 handed something where there was a universal  
4 stakeholder response of, get it done. Trying to  
5 put a -- you say, hey. They all have their  
6 different ways of getting towards a solution, but  
7 not one person stood up and said, I think it's a  
8 bad idea.

9 MS. BRUCH: Yeah, great point. Thank  
10 you, Rick, for your comment. And I'm going to just  
11 indicate a five-minute warning. So Kyla, is your  
12 hand up?

13 MS. SMITH: Thanks. I think my  
14 comments are similar to Rick's in that, you know,  
15 I feel like when we originally started talking  
16 about this, was in the wider conversation of human  
17 capital. And there was, like, the RFP that got  
18 put out. And there was no proposal submitted for  
19 this topic within that wider context.

20 So then I feel like we, you know, we  
21 were trying to think about, like, other options  
22 because, you know, it was discussed about, like,

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1       you know who, what non-profit, or a university,  
2       or non-government entity could actually do what  
3       we were asking them to do. So it didn't seem like  
4       that was, like, a viable pass, right?

5               And now there's seemingly some concerns  
6       about oh, well, if it's housed within USDA, there's  
7       conflict of interest concerns or whatever. And  
8       so I guess I'm just struggling a little bit to --  
9       it doesn't sound like there's, like, a shining,  
10      like, blinking, like, this is the best thing. This  
11      is what we ought to do. And so we're just going  
12      to have to pick what we feel like is a viable option  
13      and, like, try to put some guardrails around it,  
14      I guess, because it doesn't seem like there's,  
15      like, I don't know.

16             Yeah. The bright shining star of,  
17      like, this is how we should head. It seems like  
18      there's things we need to work out and consider  
19      no matter which path we take.

20             MR. D'AMORE: I entirely agree with  
21      that. For me the blinking light was the -- an oral  
22      commenter who actually got to the point of saying

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1 that, gosh, he thinks their organization would be  
2 willing to contribute towards anything that led  
3 to, at that point, diversity. But there's no doubt  
4 that this initiative is going to be fraught with  
5 the necessity to be squeaky clean and transparent.

6 There's just no -- and how we go about  
7 it. So I'm at a loss right now just in terms of  
8 where do we go from here? Do we just -- can we  
9 say, hey, we'll talk about this further? Gosh,  
10 and gee wiz, thank you for presenting that, but  
11 it's too risky, where -- what's the next step?

12 MS. BRUCH: Yeah. I think, Jerry,  
13 that's a good --

14 MR. D'AMORE: I'm sorry. That's a  
15 procedural question.

16 MS. BRUCH: Sure, no, that's a good  
17 question. I think you made mention that -- and  
18 I'm jumping in here, sorry -- that the community  
19 as a whole is in favor of this. So the what, you  
20 know, we have almost 100 percent in favor of doing  
21 this. The how, I think, is what we have to focus  
22 on, kind of the next round of this for sure.

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1 Javier, and then I see Nate.

2 MR. ZAMORA: Yeah. It's not an easy  
3 fix, but it can be somehow tailored to the need  
4 of someone like me. I'll tell you why. Because  
5 I have the knowledge for growing things. I could  
6 probably communicate myself okay. But when it  
7 comes to the actual technical clerical knowledge,  
8 it's really, really hard. Something needs to be  
9 done within the NOSB, not the NOP or the USDA,  
10 because that would be a very big conflict of  
11 interest.

12 Maybe I could go to someone like ALBA,  
13 or another non-profit. If I go to a non-profit  
14 that has, you know, different ways of making money  
15 and actually handle a lot of money, there will be  
16 bias. Now, if nothing is done and try to fix this  
17 or have the help that someone like me -- well,  
18 someone probably that will probably suffer even  
19 more than me. To deliver on what's needed, or what  
20 this Board is asking us to do, it's going to be  
21 difficult.

22 You will probably not have a good solid

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1 representation. Or what a mid-size, small family  
2 farm or farmer is, especially the Latino or some  
3 other than Caucasian. Now, I'm afraid that if the  
4 person that it's coming on behind me doesn't get  
5 the help, it's going to be really hard for the NOSB  
6 to have representation that -- it's needed, because  
7 you don't have to go far. Just look around and  
8 see who the farming community is.

9 So I'm coming on at a really good time  
10 to perhaps you use me as a guinea pig, if you will,  
11 to really make something out of this. I think it's  
12 100 percent necessary. Because the very first --  
13 I can personally tell you that the very first two  
14 or three meetings that we had, even right now, I'm  
15 having a really hard issue navigating the Dropbox  
16 and is this PR needed?

17 I'm really even afraid to really -- I  
18 really commend Liz because she presented  
19 something. And I know I am being asked to present  
20 something really simple, but I still -- I'm not  
21 able to get a good grip of what is it -- how am  
22 I going to present this? Now, does that mean I'm

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1 not able to say or read something? No. It's just  
2 navigating the steps that I needed to make sure  
3 that I feel at least a former point that I'm  
4 representing and I'm doing that constituents that  
5 had asked me to be part of these board.

6 So I think there's quite a bit of work  
7 that needs to be done. But I really, you know,  
8 Kayla and Jerry, I think you -- you're on the right  
9 track. We just have to see what that reality is  
10 in the farming community and see because I believe  
11 the farmer's seed perhaps might be the one or might  
12 be the ones that are probably going to struggle  
13 more with that. Again, especially the minority  
14 part, and I'm here to make it work.

15 MR. D'AMORE: Well said.

16 MR. ZAMORA: I'm sure we'll make it  
17 work.

18 MS. BRUCH: Yeah. Thank you, Javier,  
19 for your genuine comment there, really appreciate  
20 your candor. Liz, we'll wrap up with you for  
21 questions or comments.

22 MS. GRAZNAK: Hopefully, yes. Okay.

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1 I had a really long conversation with a fellow  
2 organic farmer right after the end of the listening  
3 session last week about the exact same topic. And  
4 I heard from the listening session the comments  
5 that people really think that we need to have much  
6 better representation on the board of a more  
7 diverse collection of the organic community.

8 And, you know, more ethically diverse,  
9 more financially diverse, just diverse in general.

10 And I came away from hearing that interest in  
11 wanting to address that topic. Thinking to  
12 myself, there's no way they will ever get any people  
13 from those communities to serve on this board  
14 because it will not -- it's just not possible.  
15 It will -- literally isn't possible.

16 I mean, I am having a very hard time  
17 giving the time that is required for the board to  
18 do my due diligence as a board member, because I  
19 am that very small certified organic farm that  
20 literally depends every single day on me being out  
21 in the field, working with my crew, when the carrots  
22 need to be, you know, hand weeded.

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1                   And I'm still, you know, I have  
2 employees, thankfully. But any -- I just know that  
3 literally there is a huge disconnect I think,  
4 between what the board says they want, and actually  
5 being able to achieve it because there's no way  
6 we will be able to represent those communities  
7 unless something changes.

8                   MS. BRUCH: Thank you so much for being  
9 on the board, and sharing that perspective. I  
10 think we have a lot to review internally in our  
11 subcommittee, and this is definitely something  
12 that's a need. Jerry, do you have any final  
13 remarks? I wish we had more time as a whole board  
14 in this format to work through some of this. But  
15 I apologize, with our time schedule. But Jerry,  
16 just wanted to turn it over to you for any final  
17 remarks.

18                   MR. D'AMORE: Oh, I am -- I'm in awe  
19 of the -- of responses. And the only thing I would  
20 say to you as Chair, is find more time for us to  
21 deliberate inside subcommittee. We got to -- we  
22 got a hell of a lot to talk about.

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1 MS. BRUCH: Yes. Amen. That's for  
2 sure. These are really important topics that this  
3 subcommittee takes on, and the comments from the  
4 stakeholders are more important now than ever in  
5 this forum for our board to deliberate on. This  
6 is really important. Okay, well, moving on to our  
7 third agenda item.

8 This one is oversight to deter fraud,  
9 monetization, and supply chain verification. And  
10 this is actually a collaborative effort between  
11 myself and Nate. So I'll kind of kick off this  
12 and then turn it over to Nate to discuss the second  
13 part. And then we'll open it up to questions here.

14 Try to go pretty quick over this overview so we  
15 have lots of time to hear board comments.

16 Really at the at the fall meeting,  
17 commenters indicated some steps that the community  
18 and the USDA could take in short order to enhance  
19 traceability efforts. And today we highlight two.

20 The first one is reporting acres per crop type.

21 And this in general could lead to improved  
22 granular or aggregated mass balances, and can be

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1 a real tool for inspectors. The wide variety of  
2 stakeholder feedback, including certifiers,  
3 farmers in the plains community, in relationship  
4 to this particular item, generally seemed very  
5 supportive or in favor of accomplishing this one  
6 way or another.

7 Currently, there are a few certifying  
8 bodies that are capturing this information and  
9 placing on organic certificates or addendums right  
10 now, but there are gaps in this information since  
11 the practice isn't mandatory. In looking at the  
12 ACA, they have a document that is entitled, best  
13 practices for verifying traceability in the supply  
14 chain. And it states that the solution to  
15 transparency is that all certifiers submit this  
16 type of data, organic acreage reports to the NOP  
17 for inclusion in the organic integrity database.

18 This would enable a clearer picture of  
19 whether or not the organic land base supports  
20 production claims on small and large scales and  
21 allow for calculation of a mass balance across the  
22 supply chain. There were a few concerns of just

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1       how do we go about articulating this information  
2       for small acreage, multiple crops, just  
3       clarification on, just how we're going to  
4       categorize this information on certificates.

5               But there are currently some best  
6       practices in play that could help alleviate the  
7       concerns and other commenters were quick to point  
8       out about including livestock, these trays and  
9       mushrooms, et cetera. So one last comment before  
10      I turn it over to Nate, would be that reporting  
11      production area information certified by crop,  
12      livestock, and location on at least an annual basis  
13      to the organic integrity database is one of the  
14      most impactful single actions that can be taken  
15      to increase the integrity in the global organic  
16      control system.

17              And they also went on to say that they  
18      expected this information just to be at an  
19      aggregated level in the OID, just to help protect  
20      confidential business information. So I will pass  
21      it over to Nate for any additional information on  
22      acres reporting, or the next item up for

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1 discussion, which is universal bill of lading.

2 MR. POWELL-PALM: Thank you, Amy, and  
3 thank you for your work on this. I think when we  
4 look at the ability to consistently identify red  
5 flags in the supply chain for organics, we have  
6 one chance every year to have an inspection. I  
7 think it's pretty well known that the chance of  
8 catching fraud during the inspection is fairly low,  
9 just because you're seeing such a snapshot.

10 And so as we heard from many commenters,  
11 folks rely basically on crowd sourcing tips. Is  
12 there fraud? Does anyone know of fraud? Where  
13 is it? And those tips are then sent up the chain  
14 to the certifier, and they figure out how to execute  
15 an enforcement action. As an inspector,  
16 oftentimes, we're trying to figure out, what is  
17 a complete story?

18 When we are writing an inspection  
19 report, we're trying to give the reviewer and the  
20 certifier a narrative of a farm where they don't  
21 even need to have been there because we're writing  
22 such -- in such good detail and giving them so much

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1 information that they can make a really solid  
2 certification determination. In doing that,  
3 we're oftentimes only able to give really a very  
4 succinct snapshot that doesn't have the ability  
5 to test this system.

6 There's not a whole lot of  
7 bi-directional information being looked at.  
8 There's not a lot of quick tools to just check,  
9 does all of this add up? And so when we're looking  
10 at our audits, and we're trying to see, is the  
11 operation we're inspecting telling us the truth  
12 that they really did get all of their corn, say,  
13 from one operation. And we have no way to really  
14 go a step beyond that and say, does that operation  
15 from whom they bought it even grow enough corn to  
16 meet the needs of that farm or stack up against  
17 the receipts that that operation is providing us  
18 at inspection?

19 So what acreage on certificates I think  
20 would really do is just enable inspectors to be  
21 better data gatherers about potential red flags,  
22 where we see a possibility of an issue of concern

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1 where we could say, in either direction, anyone  
2 who's done business with this operation, we could  
3 see is there something of concern here? And that  
4 ability to crowd source more red flags, I think,  
5 is what we're seeing as the only real way that fraud  
6 gets busted.

7 The only way that we see real  
8 enforcement action is when we have more and more  
9 pieces of data about potentially fraudulent  
10 actions. Because several certifiers, three from  
11 whom we heard, are already doing this. And many  
12 of their farmers are telling us on last week's calls  
13 that it's not an -- a concern for them. They're  
14 fine putting their information on there. And they  
15 see it as a way to contribute to the greater  
16 transparency of the system.

17 I think that that's points for your  
18 proposal, Amy, or discussion document -- for this  
19 idea that we could have acres on certificates, by  
20 crop. Addressing those small holder concerns,  
21 like you said, Amy, that if you have a lot of mixed  
22 vegetables, or you have a very small amount of land

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1 that you're certifying, and needs to go down to,  
2 say, square feet or what have you, the certifiers  
3 who are already putting acres by crop on the  
4 certificate, have already addressed the same  
5 concerns.

6 So I think we have some fairly good  
7 models with several years behind them that we can  
8 look to. I just want to throw out that we  
9 definitely heard everyone's concern that SOE is  
10 nigh, hopefully, so let's not get the cart too in  
11 front of the horse. But I think that this question  
12 is really something that is such a very simple way  
13 to increase transparency and increase the utility  
14 of that inspection. Being able to look at  
15 certificates and try to check if there's any  
16 evidence of fraud in that inspection.

17 MS. BRUCH: Thanks, Nate. Brian, I  
18 see your hand up.

19 MR. CALDWELL: Yeah. Thanks. This  
20 is a really important issue, and I really am totally  
21 in favor of the idea of including crop acreage,  
22 or acreage by crop on the certificates. I think

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1 it will be really easy to not have problems with  
2 really small producers. I think mixed vegetables  
3 is a totally fine category for maybe under, say,  
4 five acres, something like that.

5 And if anything is -- if any one crop  
6 is maybe more than an acre, it could be specified  
7 and I don't think that's a really difficult, you  
8 know, record keeping problem at all. In fact, you  
9 know, one of the big issues with certification is  
10 that it really helps you keep track of the records  
11 that you need. And you know, pretty much  
12 everybody, feels that way, at least the small scale  
13 producers in particular.

14 So I'm totally in favor of that. I  
15 think that in terms of fraud, we really need to  
16 focus on targeting measures of detecting fraud on  
17 the potential areas where fraud is likely to occur.

18 And so I'm thinking that any farm less -- with  
19 less than \$100,000 of gross sales should not be  
20 a prime target for any kind of special fraud  
21 detection, you know, record keeping or inspections  
22 or whatever.

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1                   Because I really don't think that  
2 they're the problem. And certainly if there is  
3 some fraud in a smaller farm like that, it's not  
4 going to distort the market. But we're talking  
5 about fraud that really does distort the market  
6 and can really hurt legitimate producers. So  
7 anyways, those are my thoughts on it and I'd love  
8 to hear what everybody else thinks.

9                   MS. BRUCH: Thanks, Brian, for that  
10 perspective. Kyla?

11                   MS. SMITH: Yeah, thanks. I feel like  
12 sometimes I -- when I talk about these things, I  
13 feel a little bit, like, complainy or whiny because  
14 ultimately, like, we will figure it out. But I  
15 will say that, you know, what did Jenny say, what  
16 -- there's 76 certifiers right now. There's  
17 probably 76 different ways that certificates are  
18 being issued, and that taxonomies are being used,  
19 and the look of the certificate and all that. And  
20 so I know that, like, maybe some of that's going  
21 to get solved with SOB.

22                   When the OID came out, you know, PCO

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1 used to put mixed vegetables on the certificate.

2 And once that taxonomy came out, and because of  
3 suppliers requesting more detail, like, they were,  
4 like, mixed vegetables isn't cutting it anymore,  
5 until we were having to produce, like, all these  
6 extra letters, which was, like -- and it just  
7 injured an additional administrative burden to  
8 produce that. So we started putting that right  
9 on our certificate.

10 And so for us to go back -- have to go  
11 back to mixed vegetables for, like, to solve this  
12 thing is just, I don't know, from -- it seems like  
13 a bit of a step backwards. Or we would have to  
14 have, like, one certificate in this one case,  
15 because we have to pull data and specify things  
16 in a certain way out of our database. But a  
17 different certificate in this other case.

18 So, like, when I'm thinking about, you  
19 know, acreage and how it's going to get recorded,  
20 that's how my brain is working, is like how am I  
21 actually going to do this with the data that's going  
22 into the database. And how am I going to have to

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1 re-specify the certificate and all these different  
2 cases? And we haven't, as other certifier -- or  
3 some certifiers had indicated that don't put that  
4 on.

5 And we haven't either because we had  
6 viewed it as confidential business information.

7 And so -- unless it wasn't, you know, mandatory,  
8 I wouldn't feel comfortable without engaging with  
9 our certified operations to gauge whether or not  
10 they would want that on a public facing document.

11 So I think that's all I'm going to say right now.

12 MR. POWELL-PALM: So if I hear you  
13 right, Kyla, if it was mandatory and all certifiers  
14 were requested to do it, it would make an even  
15 enough playing field that'd be worthy of the  
16 investment?

17 MS. SMITH: Yeah.

18 MR. POWELL-PALM: Thank you.

19 MS. BRUCH: Thank you, Kyla. Let's go  
20 to Javier next and then Logan.

21 MR. ZAMORA: Trying figure out a way  
22 -- whether someone is buying and re-selling them

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1 -- they're being dishonest about their operation.

2 It's not that difficult, but it's really touchy.

3 My certifier the last couple of years, they'd been  
4 asking about the mass content, how much we're  
5 producing, on how many acres, to the point now where  
6 everything -- every time we plan something, we need  
7 to get into their website and enter whatever we're  
8 planting and how much acreage.

9 It feels personal, but I think  
10 something needs to be done, because there are  
11 certain things happening out there that actually  
12 affect the smaller grower. But you know that two,  
13 five acre grower that is very specialty crop, and  
14 they plant, you know, leafy greens three times on  
15 the same area, four times during the year, radishes  
16 or cilantro whatever it is.

17 But there is -- there's ways, I mean,  
18 I think when you grow like this, it's because you  
19 have a CSA, or you sell at a farmers market. So  
20 you have a constant usage of the land, and you're  
21 planting constantly. I mean, the CBC had  
22 commissioners, the issue for someone to sell it

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1 at the farmers market. It tells you per pound,  
2 or linear feed, or boxes, all those things there.

3 And it tells you how many certificates  
4 do you have to be able to sell the farmers market,  
5 so there's ways to do things if you really want  
6 to catch someone. But I think the problem here  
7 is are you invading the grower's privacy. I think  
8 it should probably be a little larger scale. In  
9 our area, you're just starting to be large when  
10 you have 30, 40, 50 acres.

11 Maybe in, you know, somewhere else in  
12 the United States, 50 acres is probably your back  
13 yard. But, you know, for me, I mean, I'm a little  
14 over 100 acres. I'm actually a mid-sized grower  
15 now. But small here is just like 10 or under.  
16 So I think it has to be by size of acreage probably.

17 Something that really complicates things is how  
18 diversified a specialty crop grower is. We have  
19 some people that grow 50, 60 different things.  
20 We have growers that we might just grow 20, 25.

21 So the tools are the -- out there. It's  
22 just how deep and how personal do we need to get?

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1       That's the question, without really feel like  
2       you're invading people's privacy and farmers'  
3       privacy. Again, if you're going to mandate  
4       things, some of us might not like it, some more,  
5       there's might be okay with it. But it just depends  
6       how much more work you're going to create for the  
7       producer, or whether the producer has the  
8       personality to keep track of all these things.

9               But everything is there. I mean, we  
10       report them to insurance, how many boxes of  
11       strawberries we've produced. We report to the  
12       insurance company. We report to the hired  
13       commissioners, we get the USDA census that we fill  
14       every year, and all these things. So it just  
15       depends which route we need to go.

16               MS. BRUCH: Yeah. Thank you, Javier.

17               MR. POWELL-PALM: Yeah, one thing in  
18       there.

19               MS. BRUCH: Yep, go ahead, Nate.

20               MR. POWELL-PALM: I really appreciate  
21       that insight, Javier. I think that's something  
22       that gives us some fuel to this discussion, is that

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1 this is already existing data. How do we make the  
2 data useful for catching fraud? So really this  
3 is nothing on the producer. It would change  
4 nothing for the producer. It would be work for  
5 the certifier. And that's why I want to hear.

6 I see Kyla and I so value everything  
7 she has to say about the subject because we're all  
8 in this together. And we don't mean to put -- it's  
9 not about trying to make more work. It's trying  
10 to leverage data and reporting that we already do  
11 to be more effective. So, sorry.

12 MS. BRUCH: Thank you, Nate, for saying  
13 that. I was going to say something similar that,  
14 that's for sure. I know we're running up against  
15 our time commitment, at least for this section.

16 MS. PETREY: Yeah, Amy, don't worry  
17 about it, Javier wrapped mine up with the USDA and  
18 insurance requirements the farmers already have  
19 to do. So he got into. So I'm covered. Thank  
20 you.

21 MS. BRUCH: Okay. Thank you, Logan.  
22 I really wanted to hear from you, Kim, and then

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1 Brian again, and then we can make our game plan,  
2 Nate, if we have additional time here.

3 MS. HUSEMAN: So I'll echo that from  
4 the perspective of FSA acreage data. And then I  
5 actually was looking into that as we were talking.

6 But the challenge is to define an umbrella  
7 statement or expectation that encompasses  
8 everything from a linear feet to a section. And  
9 it's very, very difficult to do. So I think that's  
10 where I get hung up in this situation is where I  
11 listened to you, Javier, as a farmer and how he's  
12 designed his plan.

13 And how I grew up farming, where you're  
14 talking mile lines and sections and so forth. And  
15 then try to come up with a very similar statement  
16 that's going to encompass the plot that I grew for  
17 farmers market. That is difficult. And this is  
18 a challenge, and I -- this is a good challenge for  
19 us to have. And -- but the other aspect to it is,  
20 and I asked this during public comment, you are  
21 going -- we are going to get multiple responses  
22 as to where is that line between traceability and

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1 transparency and confidentiality.

2 And, you know, I just want that to sit  
3 with everybody in -- and, you know, determine what  
4 does that look like as well. So I don't know the  
5 answer to these things, but these are things that  
6 come across to my mind. But I guess it also goes  
7 back in and I'll bring it back full circle to my  
8 initial question -- or a statement around, you  
9 know, there's data within the USDA. Is that  
10 plausible to utilize from a certifier standpoint,  
11 and just lastly, to sit with everyone is, you know,  
12 are all certified operations, or are all certifying  
13 bodies utilizing the same mechanisms, you know,  
14 when looking in this arena. More statements than  
15 questions.

16 MS. BRUCH: Thank you, Kim, I really  
17 appreciate your insight. Brian, we'll go with you  
18 and then we'll wrap up this topic, okay?

19 MR. CALDWELL: Yeah. Yeah, really  
20 quick. Just, you know, I thought about, you know,  
21 whether buyers need to know specifically whether  
22 this one farm, you know, grows cilantro or not,

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1 or something that I think Kyla was referring to.

2 And of course, you could say mixed vegetables  
3 including, and then you list all your certified  
4 crops. And you're getting an organic premium for  
5 those crops, and it's -- it's not a big burden to  
6 just list them out.

7 And again, the certifier should already  
8 have that information on the field forms of what  
9 crops are being grown, so I don't feel like it's,  
10 you know, an extra burden. And in terms of  
11 confidentiality for the small grower, I mean, I  
12 grew 20 -- or for 20 years I grew five acres of  
13 vegetables. And I really don't think there was  
14 any confidential -- confidentiality issue with  
15 letting anybody know what I was growing on those  
16 five acres.

17 So I don't -- I guess, I don't get what  
18 the problem is there, for a small-scale operation.

19 So those are my thoughts on that little aspect.

20 MS. BRUCH: Thank you, Brian. And  
21 this is a really good topic. I appreciate all the  
22 different viewpoints on this. I think some

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1 highlights with this conversation was just, one,  
2 to build on the harmonization of data, so this data  
3 already exists. Can we streamline the data  
4 collection to make it relevant for our OSPs? To  
5 not create any extra work for farmers.

6 And then these diverse operations,  
7 meaning the smaller ones that are having a lot of  
8 crops, you know, there are some best practices,  
9 I think, in the queue that some certifiers that  
10 are indicating crops on the certificates are doing.

11 So I think there's some learnings that can happen  
12 there.

13 And then, you know, in general through  
14 oral comments and written, there was overwhelming  
15 support really for this type of initiative, just  
16 because it's the basis to identify certain regions  
17 just the volume of products that they're exporting  
18 or producing, does it match acres? So we can look  
19 at it on an individual field level, or we could  
20 look at it over a large region area, too.

21 So there's different applications for  
22 just getting this simplified information. So this

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1 is really great. I wish we could go on and on to  
2 discuss this, but I appreciate everybody's time  
3 today. And probably, Nate, I'm just assuming  
4 we'll kind of table the discussion and work on the  
5 second part in subcommittee, which is the universal  
6 bill of lading. I think there was some good  
7 information we received from stakeholder comments  
8 on that to kind of start deliberating on in our  
9 subcommittee.

10 MR. POWELL-PALM: Yeah. I -- the only  
11 thing I would throw onto that, is it sounds like  
12 farmers -- especially farmers, but a lot of groups,  
13 are celebrating that organic is the most traceable  
14 system we have. There's just some very obvious  
15 sort of black boxes in the supply chain that could  
16 be addressed. And I think continuity of lot code,  
17 especially in durable goods like dry grain, is  
18 something that's being flagged for us as a missing  
19 piece, and something that was not consistently  
20 being carried through.

21 So we love -- and I think this is one  
22 of the reasons I love organic so much -- is that

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1 it is so traceable. But looking forward, how do  
2 we improve that traceability? I think we heard  
3 a lot of good things and can continue the discussion  
4 about universal bills of lading, or the ideas about  
5 how do you make this traceability even better.

6 MS. BRUCH: Thank you, Nate, and I will  
7 turn it back over to you.

8 MR. POWELL-PALM: All right. Wow, we  
9 are, like, 10 minutes ahead of schedule and feeling  
10 fresh. So thanks everybody for bearing with us  
11 today. This is great. As we look to tomorrow,  
12 we're going to break here, probably top of the hour  
13 is when we're scheduled, but we might even be a  
14 little bit ahead of that. We're going to start  
15 handling tomorrow, and we've got a good heavy lift  
16 on that side.

17 And then after lunch, we're going to  
18 be hearing from the Organic Seed Alliance, as well  
19 as NIFA, with some updates there. Any closing  
20 words, Michelle, before we head out for the day?

21 MS. ARSENAULT: I don't have any. I  
22 think I -- we had some information on the slide

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1 about tomorrow, but I think you already went over  
2 that. So all right. Thank you, everyone.

3 DR. TUCKER: Wonderful day. Thank you  
4 all. You guys did a beautiful job with some  
5 complex discussions.

6 MR. POWELL-PALM: Yes. Thank you,  
7 everyone. Thank you, Jenny. Really appreciate  
8 everyone. All right. Until tomorrow. Take  
9 care.

10 (Whereupon, the hearing in the  
11 above-entitled matter was concluded at 4:51 p.m.)

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UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

SPRING 2022 MEETING

+ + + + +

WEDNESDAY  
APRIL 27, 2022

+ + + + +

The Board met via Videoconference at  
12:00 p.m., Nate Powell-Palm, Chair, presiding.

PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- JERRY D'AMORE
- CAROLYN DIMITRI
- ELIZABETH GRAZNAK
- RICK GREENWOOD
- KIM HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER
- JAVIER ZAMORA

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NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Committee Specialist  
JARED CLARK, National List Manager  
DAVID GLASGOW, National Organic Program Associate  
Deputy Administrator  
ERIN HEALY, Standards Division Director  
ANDREA HOLM, Materials Specialist  
DEVON PATTILLO, Standards Acting Assistant  
Director  
DR. JENNIFER TUCKER, National Organic Program  
Deputy Administrator; Designated Federal Officer

ALSO PRESENT

KIKI HUBBARD, Director of Advocacy &  
Communications, Organic Seed Alliance  
MAT NGOUAJIO, National Science Liaison, Institute  
of Food Production and Sustainability, NIFA, USDA

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1 P-R-O-C-E-E-D-I-N-G-S

2 (12:01 p.m.)

3 MR. POWELL-PALM: All right. I think  
4 we're ready to kick it off. So we're going to start  
5 with handling, but before that, I think it'll be  
6 nice just to do a quick roll call -- hear from  
7 everybody. And if you wouldn't mind -- and please  
8 forgive me, I won't do this all the time, if we  
9 could do a brief ice breaker where when you say  
10 you're here, also just say something that surprised  
11 or delighted you from yesterday's meeting. And  
12 we can kind of get reactions for what we covered  
13 yesterday because it was a lot, a lot of information  
14 flowed. So apologies to the early people who don't  
15 have a lot of time to think about this, but let's  
16 dive in.

17 So getting us started, Amy, if you want  
18 to go first.

19 MS. BRUCH: Sure. Thank you, Nate.

20 Hello, everybody. Amy Bruch here.  
21 And to answer the ice breaker question. Let's see,  
22 one, I guess, that time goes so quickly. That was

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1 something that was nice to see there. Also, two,  
2 I was just really overly impressed with the amount  
3 of information the NOSB was able to receive from  
4 the program. Jenny's comments and her thorough  
5 review of just how -- the public comments and where  
6 those fit in the priorities that the program had,  
7 was really insightful. I'm glad that we were able  
8 to spend as much time on that issue as we did.  
9 So, thank you.

10 MR. POWELL-PALM: Absolutely. Thank  
11 you for that.

12 Brian, please go ahead.

13 MR. CALDWELL: Yes. I'm here, and I'm  
14 always astonished at how articulate everybody is.

15 And I try to make up for it by stumbling around  
16 a little bit when I talk, but this group is really  
17 quite amazing. So that was my shocker for the day.

18 MR. POWELL-PALM: I would echo that.  
19 It's a great group.

20 Jerry, please go ahead.

21 MR. D'AMORE: Good morning. I thought  
22 it was going to be tough being at the beginning

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1 but it, you know, it's not, because everybody has  
2 already said what you want to say. Anyway, good  
3 morning, Jerry. I agree with you, Brian.  
4 Listening to the whole group, the NOP as well, it  
5 was smooth, it was informative, and it was fun.  
6 So that wasn't a surprise. It was just what  
7 happened. Thank you.

8 MR. POWELL-PALM: Carolyn, please go  
9 ahead.

10 MS. DIMITRI: Hi. I also really hate  
11 these ice breaker questions.

12 MR. POWELL-PALM: I know.

13 MS. DIMITRI: I don't know why. I feel  
14 so much more comfortable when I, like, impose them  
15 on people than when I have to answer them. But  
16 I was delighted to see how people paid attention  
17 for such a long period of time.

18 MR. POWELL-PALM: It is a haul. Yes.  
19 Thank you for that.

20 Rick.

21 MR. GREENWOOD: Again, it's going to  
22 be harder as we go along for the other people to

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1 answer. But I also am always impressed at the  
2 discussions that we have and how thoughtful the  
3 comments are and how respectful all the board  
4 members are to each other, and to the program.  
5 And again, just a great example of this  
6 public-private relationship. I mean, I think it's  
7 wonderful.

8 MR. POWELL-PALM: Hear, hear.

9 MR. GREENWOOD: Yes.

10 Liz. Oh, still on mute.

11 MS. GRAZNAK: Okay? Got it.

12 MR. POWELL-PALM: Yes.

13 MS. GRAZNAK: Yes. Good. Good  
14 morning. Yesterday was my first NOSB meeting.  
15 So the whole thing was really fabulous. But also,  
16 you know, very new for me. And I also have to say  
17 that I am so proud of my team because they ran the  
18 farm without me yesterday. So it was a really --  
19 it was a great day all around.

20 MR. POWELL-PALM: Fantastic.  
21 Absolutely.

22 Kim, please go ahead.

1 MS. HUSEMAN: All right. So I am Kim,  
2 and too must go, everything I -- although I agree  
3 with my colleagues, I was delighted to see Liz  
4 present her first Sunset yesterday. Handled it  
5 marvelously. And looking forward to serving on  
6 the the board with you Liz. So, well done on your  
7 first Sunset.

8 MS. GRAZNAK: Thank you.

9 MR. POWELL-PALM: Hear, hear.

10 MS. HUSEMAN: Thank you.

11 MR. POWELL-PALM: Mindee, please go  
12 ahead.

13 MS. JEFFERY: Good morning. I'm in  
14 the love fest too. Thanks, everybody, for being  
15 such a great team and being so fun to work with.  
16 And that honestly, like, on all sides, I'm so  
17 grateful to the program and all the work that goes  
18 on in the background. And happy anniversary,  
19 Michelle. Thank you so much for 10 years of  
20 service and 20 years to the certifier. I mean,  
21 just love fest of organic all day.

22 MR. POWELL-PALM: It was fun to see how

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1 many of those 20 years certifiers there are, and  
2 there still are. I mean, that's really, really  
3 cool.

4 Bumping on. Allison, please go ahead.

5 MS. JOHNSON: Morning. I was  
6 delighted to hear Sean Babington recognize the long  
7 list of things that Organic does best. He talked  
8 about, water quality, erosion, cover cropping,  
9 crop rotation, soil health. It's so good to hear  
10 people higher up within USDA recognizing what we  
11 all know and looking for ways to understand it  
12 better.

13 MR. POWELL-PALM: Absolutely.  
14 Absolutely.

15 Dilip, please go ahead.

16 MR. NANDWANI: Good morning. I was  
17 delighted to hear of our guest speakers, as Allison  
18 just mentioned, from NRCS as well as from  
19 climate-smart agriculture. Those two were  
20 fantastic. Very, very good to hear and a lot of  
21 good updates because as a university faculty I'm  
22 writing some grants and that will be very helpful.

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1       And also I -- this is my first NOSB meeting. That  
2       was first day and it went very well. And I was  
3       really amazed to see how coordinated efforts of  
4       everyone is playing, whether it is from NOP staff,  
5       or from administrators, or from board members, and  
6       as well as from the listeners who passed wonderful  
7       comments. And I was really, really amazed to see  
8       this coordinated effort. Thank you.

9               MR. POWELL-PALM: Thank you.

10              Logan, please go ahead.

11              Apologize?

12              MS. SMITH: Logan was going to be  
13       delayed this morning.

14              MR. POWELL-PALM: That's right. Yes.

15              MS. JEFFERY: Yes.

16              MR. POWELL-PALM: She told us that.  
17       Yes.

18              Kyla, please go ahead.

19              MS. SMITH: Hi, everybody. Well, I  
20       wholeheartedly agree with what everybody has  
21       already said. So I'll pick something new, and I  
22       have two. So first thing, I was delighted by

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1 Nate's run of show, first meeting as the chair.

2 I think it went off swimmingly. So all the way  
3 just from keeping us sort of on time, thanks to  
4 Kim, and -- as well as your eloquent response to  
5 Mr. Babington. And also I was so delighted and  
6 impressed by the new members' participation in  
7 their first meeting. So, thanks.

8 MR. POWELL-PALM: Absolutely. Thank  
9 you, Kyla.

10 Next up, we have Wood.

11 MR. TURNER: Well, doggone, I was going  
12 to say to Javier, Javier, when you live down here  
13 in the outback where you and I live, and where Kyla  
14 lives you -- you know, you never get a chance to  
15 say anything new. So we have to lean on the chair  
16 to sort of reverse the order sometimes. So -- and  
17 --

18 MR. POWELL-PALM: Cheers.

19 MR. TURNER: -- and just at the last  
20 second Kyla robbed me blind of my ability -- mu  
21 opportunity to say how much I appreciated Allison,  
22 and Liz, and Dilip, and Javier leaning into this

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1 process yesterday and really kind of finding their  
2 voices on this board. So, that was what excited  
3 me the most. So --

4 MR. POWELL-PALM: Absolutely.

5 MR. TURNER: -- try that one on,  
6 Javier, and see what you can do.

7 MR. POWELL-PALM: All right, Javier,  
8 go right ahead.

9 MR. ZAMORA: Thanks. Yes. I -- well,  
10 thank you. I guess you guys almost said it all  
11 and it gets -- for a beginner, it's gets really  
12 difficult. But I just wanted to say that I -- first  
13 of all, I'm really happy that I was able to stay  
14 in one room for, like, five hours, which is very  
15 unusual for me. My anxiety was started to kick  
16 in towards the end. I had to go out.

17 MR. POWELL-PALM: I feel you.

18 MR. ZAMORA: But I'm just really  
19 impressed on the wealth of knowledge that we all  
20 have from different environments and it's -- this  
21 is a very unique board. It is really demanding,  
22 but it's great to see all your experiences and

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1 expertise coming on one platform and I think I'm  
2 going to learn a lot of from you. So yes, I am  
3 here, and [inaudible].

4 MR. POWELL-PALM: Thank you so much,  
5 everyone. I'll throw mine now, napalm bomb. And  
6 I was delighted by a couple of things. But I think  
7 the thing that struck me most was our discussion  
8 around climate change and how we are actively  
9 pursuing this dialogue to make sure that Organic  
10 is recognized for what a solution it is, and how  
11 we have a really great infrastructure to provide  
12 a market oriented solution to climate change for  
13 farmers, as well as businesses looking to invest  
14 in, I would call social solutions to climate  
15 change. So I'm really excited for further  
16 conversations that we might be able to have with  
17 USDA.

18 And just can't thank Jenny enough for  
19 those updates. I feel like our entire community  
20 was lit up yesterday with excitement about how we  
21 are making progress. And so thank you, Jenny, for  
22 taking so much time to prepare so much information

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1 for us. Really appreciate that.

2 All right, team, now that we're all  
3 warmed up, shall we jump right into handling? Are  
4 you ready, Kyla?

5 MS. SMITH: I am ready --

6 MR. POWELL-PALM: All right. Take it  
7 away. Thank you.

8 MS. SMITH: -- to go, Mr. Chairman.

9 We're going to reverse the order a  
10 little bit in handling. So apologies for that.

11 But we're -- had some members that had some tech  
12 issues, and so we're sort of switching it up. So  
13 we're going to start with the 2024 Sunset, and  
14 attapulgate and diatomaceous earth are being moved  
15 to the bottom of the Sunset list. And then we'll  
16 circle back around into the proposal for CPC and  
17 then the proposal for phosphoric acid annotation  
18 change. So with that, we're going to be starting  
19 with bentonite, and Wood is the lead.

20 MR. TURNER: Thanks, Kyla.

21 So we have a substance bentonite which  
22 is 605(a) nonsynthetics allowed listing. It's a

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1 -- historically it's been a pretty straightforward  
2 material. We haven't done a technical report on  
3 it since a TAP was done in 1995. So it's been  
4 fairly straightforward and I think that's largely  
5 been because our comments have been pretty straight  
6 -- pretty, you know, pretty limited over the years.

7 It's a processing aid, not an  
8 ingredient. It has absorptive qualities to make  
9 it useful for taking out impurities in oils,  
10 clarifying beer, fruit juice, and the like. Not  
11 something that is present in the final product.

12 It's -- some of you are probably familiar with  
13 it in a variety of applications. You know, it's  
14 a clay material that, you know, takes on a  
15 distinctive clayey smell in the presence of liquid  
16 is -- but it is insoluble in water and liquid.

17 The listings. There's a sort of a mix  
18 of listings internationally for allowing the  
19 material. I think in some cases it's just simply  
20 not noticed or not recognized as something of  
21 concern, generally regarded as safe. There were  
22 some comments from the community. And I would say

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1 largely there was no opposition really to the  
2 relisting of the material. I think the biggest  
3 issue I think we want to think about over the next  
4 several months in preparation for the fall, is sort  
5 of whether the material should be clarified in the  
6 annotation because of some discussion about, sort  
7 of, acid treated versions of the material versus  
8 non-acid treated versions of the material.

9 And I'm still trying to get up to speed  
10 on, sort of, what that really indicates or what  
11 we need to learn about that. But I -- that -- most  
12 of the conversation is typically from -- some sort  
13 of buyers have asked for that -- have asked for  
14 some clarification on that point as we think about  
15 relisting the material. I think that's all I want  
16 to say at the moment. Are there any questions?

17 MS. SMITH: Okay. Are there any  
18 questions for Wood?

19 And then we will move to magnesium  
20 chloride, which is me.

21 Okay. So magnesium chloride is listed  
22 at 205.605 nonagricultural, nonorganic

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1 substances, not as ingredient in or around  
2 processed products labeled as organic or made as  
3 organic. And there is no annotation. So  
4 magnesium chloride is used as -- mostly as a  
5 coagulant or firming agent in tofu production, and  
6 is also used in dietary supplements, and can also  
7 be used as a color retention agent.

8 We did ask two questions related to this  
9 material on whether or not the use of magnesium  
10 chloride as a color enhancement is consistent with  
11 organic principles; as well as other materials that  
12 appear on the National List with similar -- or same  
13 functions and just how they're comparing, and if  
14 they offer alternatives there -- or if these  
15 alternatives offer the same or similar function.

16 We did get several comments and most  
17 were in favor of relisting. However, there were  
18 several commenters that suggested annotating to  
19 limit the use. So if we are finding that because  
20 this is, you know, mostly used in tofu production,  
21 you know, and in dietary supplements, to specify  
22 that in the annotation. And mostly, that was the

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1 recommendation, was to limit the use for those two  
2 reasons. And so I might infer that with those  
3 comments, perhaps there is an indication that  
4 stakeholders believe that the use as a color  
5 enhancement is not consistent with organic  
6 principles, although no commenters explicitly  
7 stated that in their comments.

8 And no one really addressed the second  
9 question in regards to other substances, you know,  
10 offering same or similar functionality and  
11 essentiality. So overall in favor, perhaps look  
12 at the annotations. And I would still be curious  
13 to hear more direct answers to these questions in  
14 the fall. So they'll probably, you know, stay and  
15 people have -- could provide answers. It's always  
16 helpful to have more information. Any questions?

17 I don't see any.

18 Nitrogen is next. That's also me.

19 So nitrogen. We're still at 205.605,  
20 and (a) nonsynthetics allowed, nitrogen, oil-free  
21 grades. This material is used as a -- to reduce  
22 oxidation of product during processing, storage,

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1 and packaging. It's also used in flash freezing.

2 And all commenters were in favor of relisting.

3 This is a pretty slam dunk one. Any questions?

4 Yes, Brian.

5 MR. CALDWELL: Hi Kyla. I'm just  
6 wondering, it says, nitrogen-oil free grades. And  
7 I think of nitrogen as a gas. I'm just wondering  
8 how there could be oil in some grades?

9 MS. SMITH: That's a good question that  
10 I'm probably not going to be able to answer  
11 specifically here without looking back in the TR.  
12 But, Rick, do you know?

13 MR. GREENWOOD: Yes. I think I can  
14 answer that.

15 MS. SMITH: Okay.

16 MR. GREENWOOD: Depends on the  
17 production method because sometimes the  
18 compression, how they compress it to turn it into  
19 a gas, can get oil into it. It's very similar if  
20 you're a scuba diver and you need air. You need  
21 to make sure that the compressors don't leak oil.  
22 So there's -- it's cheaper, but oil free grades

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1 are obviously better for food. And if your  
2 breathing, its also a good thing. So it's really  
3 how it's made.

4 MS. SMITH: Okay. Any other  
5 questions. Okay.

6 Next up is Dilip with sodium carbonate.  
7 Dilip's first Sunset.

8 MR. NANDWANI: Thanks, Kyla.

9 Good morning again. So the sodium  
10 carbonate, it's listed as a nonsynthetics allowed,  
11 205.605. And past NOSB actions, 2015 technical  
12 report, and as well as 2017 Sunset recommendations  
13 available. So subcommittee reviewed -- but the  
14 first, it's use. And sodium carbonate, which is  
15 also referred as washing soda or soda ash, and used  
16 as a raising agent. And it can also be used as  
17 an anti-caking agent -- sorry, caking agent,  
18 acidity regulator, a stabilizer, or as a  
19 neutralizer in food industry.

20 It's manufactured and produced in North  
21 America from naturally deposits of trona ore and  
22 in California, sodium carbonate can be produced

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1 from using natural brine. So subcommittee  
2 forwarded four questions to stakeholders. First  
3 question, is this material still essential for  
4 organic handling and processing? Second, are  
5 there alternative materials that can replace  
6 sodium carbonate? Third, what are the relative  
7 environmental impacts of trona mining or brine  
8 extraction during production of sodium carbonate?

9 And the fourth, is sodium carbonate produced from  
10 trona or brine extraction nonsynthetic? So we got  
11 a lot of comments and -- from the stakeholders,  
12 and which are supportive to continue relisting of  
13 sodium carbonate.

14 I found one comment interesting, which  
15 I will mention at the last, but before that, I would  
16 like to say a few comments. One certifier  
17 mentioned, quote, There are no viable organic  
18 alternatives and the material is compatible with  
19 organic principles. End quote. Second  
20 stakeholder provided, Numbers of certified organic  
21 operations use sodium carbonate. Another one  
22 mentioned that, Our options for cleaning of our

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1 manufacturing facility are limited and thus the  
2 removal of any materials allowed for cleaning can  
3 be problematic. Also a commenter mentioned that,  
4 We are not aware of an adequate substitute for this  
5 cleaning agent. If sodium carbonate were to be  
6 delisted. End quote. One comment, which is from  
7 a non-profit organization, which remains neutral  
8 on sodium carbonate and does not take a position  
9 on whether individual substances should be added  
10 or removed from the National List.

11 So the one comment which is  
12 interesting, I'm going to say that. The commenter  
13 or stakeholder mentioned that sodium carbonate is  
14 a caustic and corrosive material and questioned  
15 the listing of sodium carbonate on 205.605(a)  
16 without an annotation. Sodium carbonate may be  
17 produced from mine deposits or by chemical  
18 reaction, and that is a solvay process, they call  
19 it, which is synthetic. So if the NOSB intends  
20 to allow only the nonsynthetic version, it should  
21 annotate the listing produced from mine deposits.

22 If the NOSB intends to allow synthetic sodium

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1 carbonate, then it should also be listed on  
2 205.605(b) with the annotation, Produced using  
3 solvay process.

4 The handling subcommittee has not  
5 received a technical review that examines  
6 alternatives. The handling subcommittee should  
7 propose an annotation, clarifying the  
8 classification of sodium carbonate. It should  
9 request that the audit examines alternatives. And  
10 again, lastly, public commenters supported the  
11 continued listing of this material. Thank you.

12 Any questions?

13 MS. SMITH: Great job, Dilip.

14 MR. POWELL-PALM: Just want to throw  
15 out a -- great job, Dilip.

16 MR. NANDWANI: Thank you.

17 MS. SMITH: Go ahead, Brian.

18 MR. CALDWELL: Thanks, Dilip. Just  
19 wondering. Is sodium carbonate used essentially  
20 for the same purposes as sodium bicarbonate, which  
21 is baking soda?

22 MR. NANDWANI: There was one comment,

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1 I think, I read that about sodium carbonate, but  
2 it says sodium bicarbonate. But I don't remember  
3 because that stakeholder put together several of  
4 the materials into one re-listing. So at this  
5 point, I don't have a clear answer to your question.

6 But several of the stakeholders, they have  
7 reviewed, actually, several handling materials and  
8 they were kind of going through with that  
9 re-listing, including the sodium carbonate where  
10 it says bicarbonate. I can get back to you once  
11 I review my TR back, and I can get back to you.

12 MR. CALDWELL: Great, thanks. It  
13 sound -- it seems to me just off the cuff that it's  
14 probably just sort of a little bit of a stronger  
15 reactant than bicarbonate, but I could be wrong.  
16 Yes.

17 MR. NANDWANI: I don't know Rick has  
18 any idea, or maybe Wood, because he's also part  
19 of subcommittee and they may have reviewed this  
20 material before. Any comments from Wood or Rick?

21 MR. GREENWOOD: I'm not that familiar  
22 with those, so I have no comment

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1 MR. TURNER: Nor me.

2 MR. CALDWELL: Thanks. I'm good.

3 MS. SMITH: Okay. Next up is Carolyn,  
4 with acidified sodium chloride.

5 MS. DIMITRI: Okay. Acidified sodium  
6 chloride is a processing aid made from natural  
7 citric acid and it's -- has a secondary direct  
8 antimicrobial food treatment use, and an indirect  
9 food contact surface sanitizer. So basically,  
10 this is not very widely used. There were a few  
11 -- no objections really to relisting. And then  
12 one commenter suggested that this is something that  
13 we could look at in our review of sanitizers if  
14 that is actually something we're doing. I know  
15 there's been talks -- a lot of talk about  
16 sanitizers, and I don't really know where all of  
17 that stands, but this should maybe fit into that  
18 category. So that is basically what I have to  
19 report. Any questions? Please don't make a thing  
20 about review of sanitizers, though.

21 MS. SMITH: Okay. I see none.  
22 Carolyn, you also have carbon dioxide.

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1 MS. DIMITRI: Another interesting  
2 product. It has several uses, carbonation of  
3 beverages, it's used in modified atmospheric  
4 packaging and storage, and also used for pest  
5 control in storage for green and produce. And  
6 overall, there was a lot of support for relisting  
7 this product, and no one suggested that we should  
8 not relist it. Any questions?

9 Mindee.

10 MS. JEFFERY: Thanks. A question in  
11 general for the group. I'm trying to wrap my head  
12 around carbon dioxide in total for organic systems.

13 So in handling relist it as a synthetics allowed,  
14 does that mean by implication natural is allowed  
15 also, natural versions of Co2 in organic systems  
16 in general? Or is that kind of outside the scope?

17 MS. SMITH: My understanding of the  
18 handling list is that it does not function the same  
19 way as the crops and livestock list, where  
20 nonsynthetics are inherently allowed. My  
21 understanding of the 605 is that it needs to be  
22 listed in both places.

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1 MS. JEFFERY: Okay. Thanks. I get  
2 confused on the crops and handling sometimes. I  
3 really appreciate your help.

4 MS. SMITH: Yes. I mean, Jared,  
5 correct me if I'm wrong, but that's always been  
6 my understanding.

7 Thumbs up from Mr. Clark.

8 Any other questions for Carolyn?

9 MS. DIMITRI: Everyone likes their  
10 carbonated beverages.

11 MS. SMITH: Yes.

12 Okay. Wood, you are next with sodium  
13 phosphates.

14 MR. TURNER: So we have a listing for  
15 sodium phosphate the 205.605(b) it's in allowed  
16 synthetics for use only in dairy foods. Sodium  
17 phosphates are salts used as pH control agents and  
18 buffers in organic dairy products. They stabilize  
19 milk, can emulsify cheese, and several other  
20 functions that are relevant to dairy production.

21 They've been -- they're in that class of materials  
22 that have generally been regarded as safe.

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1                   But, you know, they -- the comments over  
2                   the years on sodium phosphates has been notably  
3                   mixed, mostly along the line -- let's say in the  
4                   context of concern about human health impacts and,  
5                   I guess, it's what I would consider to be a debate  
6                   on essentiality. You know, one of the issues on  
7                   the health side is that there are other phosphates  
8                   on the list. And so the implication that any one  
9                   phosphate is particularly -- should be implicated  
10                  in any human health considerations is hard to  
11                  support in the science. But there is a -- there's  
12                  always -- historically there's been a, sort of,  
13                  a continued attention to this particular issue.

14                  It's also, as a phosphate, you know,  
15                  has some inherent eutrophication sort of water --  
16                  pollution to water body concerns. Phosphates are  
17                  historically, you know, part of the scene in  
18                  preparing detergents so -- I think we're all  
19                  familiar with that. So, you know, and I -- and  
20                  then I'll also just point out that there's a --  
21                  there is a -- in the process of making or producing  
22                  sodium phosphates, phosphate rock is mixed with

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1 sulfuric acid to form phosphoric acid. And given  
2 the fact that we have another conversation today,  
3 a proposal on phosphoric acid, you know, there are  
4 some implications for that proposal, Kyla, on this  
5 particular material, and some concern in the  
6 community about phosphoric acid as an ancillary  
7 substance that is involved in the production of  
8 sodium phosphates. So I think that's what I'll  
9 say, for the time being.

10 MS. SMITH: Thanks, Wood.

11 Any questions for Wood? I'm not seeing  
12 any.

13 We will go to Allison with her first  
14 Sunset presentation of potassium acid tartrate.

15 MS. JOHNSON: All right. Not casings.

16 MS. JEFFERY: Hold on. Yes. Are we  
17 -- casings or which one are we doing? We have  
18 casings on the slide.

19 MS. SMITH: Okay. Sorry. The order  
20 on my paper is --

21 MS. JEFFERY: It's so good.

22 MS. SMITH: Go ahead, Mindee.

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1 MS. JEFFERY: Okay. Thank you. Sorry.

2 I wanted to express my gratitude for  
3 the cadence of the way we do Sunsets because I don't  
4 live in this work every day in my regular life as  
5 a retailer. So I really appreciate the  
6 clarifications and the timing that we get to really  
7 dive into these substances and make sure we get  
8 all the perspectives landing in my understanding.

9 So I just wanted to say that. And I love the  
10 spring meeting and our process of discovery.

11 So for casings, listed at 606, casings  
12 produced from intestines -- 606(b). And I had a  
13 couple of questions for certify -- for the  
14 stakeholders there and got some really great  
15 answers. Commenters in general are supportive of  
16 relisting for the few area -- a few areas for  
17 discovery. One group noted that nonorganic  
18 casings rely on chemically intensive livestock  
19 production, which in turn relies on chemically  
20 intensive corn and soya production, and asked the  
21 NOSB via the TR process, to identify the barriers  
22 to organic casing production.

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1           Another group requested that we think  
2           about having a work agenda item and a discussion  
3           document on the -- on those barriers, with the  
4           rationale that if organic meat is being  
5           slaughtered, then organic casings theoretically  
6           exist and should be required. And I'm super  
7           grateful for the lengthy answer to that question  
8           submitted in public comments by a producer,  
9           outlining the barriers to organic production of  
10          casings.

11           The more predominant casings in organic  
12          processing, according to this stakeholder, is  
13          derived from hog intestines. And since the  
14          organic hog industry is growing and it's tempting  
15          to assume that organic casings are available, that  
16          may be true at some point, but issues of scale are  
17          still at play. Organic hog production is roughly  
18          0.058 percent of the US totals. Intestines are  
19          not uniform within one animal, among herds, and  
20          throughout the population. In processing  
21          intestines are selected, sized, and assessed for  
22          quality.

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1 Farmer raised hogs for this producer  
2 has produced variable intestine sizes, making  
3 these casings unfeasible to use. They noted that  
4 small plants that slaughter less than several  
5 hundred hogs per day do not have the infrastructure  
6 to save, clean, sort, and select intestines.  
7 Instead, intestines go in the inedible barrel as  
8 offal. If separate -- if segregation were  
9 possible, it would take two to three weeks of  
10 organic production to accumulate just one barrel  
11 of intestines from organic hogs. And if it becomes  
12 possible to segregate, those intestines then  
13 wouldn't have an outlet for final organic casing  
14 production.

15 So, really appreciated the depth of  
16 that comment by a producer who really understands  
17 the dynamics. A certifier reflected that most  
18 organic sausage makers use cellulose as an  
19 alternative, but this doesn't meet consumer  
20 expectations. So a lot of really great  
21 information there from the comments. Is there a  
22 question?

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1                   MS. SMITH:    Nate, I saw your hand  
2                   raised?

3                   MR. POWELL-PALM:   Yes.  I had -- it  
4                   came and went.  But the question I would have --  
5                   I echo your appreciation and defer the comments  
6                   that we did get.  I think for the folks asking --  
7                   trying to put two and two together where they're  
8                   saying, there's more hogs being slaughtered, why  
9                   don't we have a casings industry?  That's  
10                  something I would really like to hear more about  
11                  in the fall meeting and put on the community to  
12                  do a little bit of that business research, talking  
13                  to known suppliers of organic casings and -- or  
14                  casing production, and see what the barriers are?  
15                  How, as a community, we can figure out how to  
16                  overcome those barriers.  I think I might  
17                  challenge the growth of the hog industry  
18                  assumption.  It is still pretty small and it is  
19                  not growing like the other species sectors.  So  
20                  I would just think that our community could come  
21                  up with some really good business insights for how  
22                  we might be able to do that.

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1 MS. SMITH: Thank you.

2 Amy.

3 MS. BRUCH: Yes. I agree with Nate,  
4 and just to try to have a little bit more a window  
5 into this world, I would be curious, you know, right  
6 now, what would be the ratio of using organic casing  
7 versus not, and see that percentage. If we can  
8 ask the community, you know, where it stands  
9 currently and then that was insightful by that  
10 producer to understand some of the barriers. I  
11 think, you know, those comments, I think they also  
12 wanting to attach them to this 205.606 category  
13 is really a huge opportunity to just leverage the  
14 \$62 billion industry that our organic marketplace  
15 is, and start making opportunities for additional  
16 organic growth in some of these areas.

17 MS. JEFFERY: Yes. Just -- I  
18 definitely -- I really like your comment, Amy.  
19 And living on this farm right now I'm having this  
20 opportunity to watch the difficulty that a small  
21 producer faces in gaining access to processing  
22 facilities and then being able to do that

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1 organically, is a barrier that I think we see as  
2 a country. And I hope that Organic can become part  
3 of the solution for the small producers in that  
4 area as well.

5 MS. BRUCH: Yes. Absolutely. One  
6 thing to add before -- I know there's other people  
7 that have their hands up, is these barriers.  
8 Actually some of them can be accomplished, I think,  
9 through this grant process that we heard about  
10 yesterday. You know, a climate-smart  
11 agriculture, the emphasis on processing systems,  
12 the emphasis on just more stakeholders being able  
13 to produce more things on their farm. So, you  
14 know, there's the conservation innovation grant.

15 And also, you know, the climate-smart agriculture  
16 grants that we heard about yesterday. I think  
17 there's a point to processing and packaging  
18 equipment that I think producers should try to  
19 leverage a bit more of.

20 MS. SMITH: Thank you, Mindee.

21 Okay. Kim?

22 MS. HUSEMAN: Thank you, Kyla.

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1           Maybe this is segueing into Amy's last  
2           comment, is the difference between live production  
3           and processing.    And I think where I'd be  
4           interested to get more feedback is from the  
5           manufacturing process and the barriers inside of  
6           the facilities around segregating and maintaining  
7           organic status once the harvesting process begins.

8           And how, you know, what barriers and challenges  
9           there from that perspective.    Then, you know,  
10          couple that with fragmented space, and what  
11          suggestions would be to try to overcome that  
12          fragmented space.

13          So all good things, though.    And we see  
14          this in other aspects, not just casings, but this  
15          can segue into multiple facets in the animal  
16          production and green production aspect, as when  
17          you take a whole part and then divide it into its  
18          sub-parts.    And how can we have organic stability  
19          in multiple arenas.    But, yes, this is definitely  
20          one of them.

21                   MS. SMITH:   Carolyn.

22                   MS. DIMITRI:   This is just some general

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1 information that I think might help when we think  
2 about casings as we go ahead. And so if you look  
3 at the 2019 census of organic farms, there were  
4 only 166 that were producing hogs. And in some  
5 research that I've been doing over the past year,  
6 you see there's a lot of pressure on organic  
7 livestock producers in terms of they don't have  
8 enough processing capacity and they don't have  
9 enough feed capacity. So, I don't know. I mean,  
10 it might be useful for us to think about, like,  
11 at what point would the hog market be developed  
12 enough where actually there could be a supply of  
13 casings that could be used as an input into the,  
14 you know, the next level of the supply chain.

15 MS. BRUCH: So I can only maybe think  
16 of one additional thing and this is a little bit  
17 of a carryover from yesterday. Carolyn was  
18 referencing census information and this could  
19 potentially be helpful, you know, when we were  
20 talking about --

21 MR. POWELL-PALM: Amy, we're losing  
22 your sound a little.

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1 MS. BRUCH: Sorry. Can you hear me.

2 I'll --

3 MR. POWELL-PALM: Yes. Much better.

4 MS. BRUCH: -- try to talk a little  
5 louder. Okay. Yes. I don't know where I left  
6 off, but I was just mentioning that Carolyn brought  
7 up the comment about looking at information via  
8 census data and I know that that's not a  
9 all-encompassing status on what the market really  
10 has. So again, I'm just going to point out our  
11 -- the CACS comment about acres on certificates  
12 and that there were the community feedback about  
13 getting livestock information on certificates.  
14 So that would be a real good way to mass balance  
15 the current status of the industry with clarity.  
16 And having that information can be helpful to  
17 solve maybe some of these 205.606 type questions  
18 that we have. So, thank you.

19 MS. JEFFERY: That's the great  
20 comment. Thank everyone for all the input

21 MS. SMITH: Okay. I'm not seeing any  
22 more hands.

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1           So, Mindee, I'm going to get the order  
2 right now, we're going to go to pectin, which is  
3 also Mindee.

4           MS. JEFFERY: Thanks. Sorry. Just  
5 switching my notes here real quick. Technology  
6 fail. Sorry.

7           Okay. So pectin, here we are 205.606,  
8 and you'll notice we're at (o) now. We had a recent  
9 rule-making that changed the listening to (o).  
10 And major question here is, what is happening with  
11 developments in the organic source of pectin?  
12 Public comments definitely support the relisting  
13 of this very ubiquitous and widely used substance  
14 in many areas. Routinely used as a stabilizer,  
15 a thickener, and a gelling agent, and that organic  
16 alternatives are not available or don't meet --  
17 function at the same quality.

18           A commenter emphasized that pectin is  
19 essential to low sugar jams and there are no  
20 alternatives at this time. And that consumers  
21 with specialty diets rely heavily on certified  
22 organic low sugar jams. Pectin producer

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1        associations        commented        that        supplies        of  
2        organically produced fruit and citrus peels are  
3        simply not sufficient to produce enough pectin from  
4        organic sources.        Most of the time, we heard from  
5        an oral commenter, that it seems like most of the  
6        organic fruits that could be used to make pectin  
7        are sold as whole fresh fruit.

8                    And again, you know, we saw a lot of  
9        different commenters noting that the supplies of  
10       organic fruit peels are insufficient.       They're  
11       listed as essential by a number of different  
12       organizations and comments.       One group suggested  
13       that low methoxyl pectin is a result of a synthetic  
14       process and the National List should be limited  
15       to the high methoxyl pectin as it is extracted from  
16       citrus and apple.       A group suggested that all 606  
17       listings should be seriously considered for  
18       removal.

19                    An oral commenter -- oh, I already got  
20       that one, sorry.       And then we saw that slide from  
21       the oral comment that was on -- reflected the  
22       functionality of pectin versus alternatives in the

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1 categories of the gel texture, protein  
2 stabilization at low pH, mouth feel in beverage,  
3 and acid stability. Pectin, according to the  
4 commenter, was the only organic alternative that  
5 could meet all four expectations. Yes. That sums  
6 me up. Are there any questions?

7 MS. SMITH: Go ahead, Amy, and then I  
8 have one.

9 MS. BRUCH: Okay. It sounds good.

10 Thank you, Mindee. Again, this is a  
11 205.606 and just another point on being able to  
12 solve some of these barriers to additional organic  
13 use would probably be looking at, you know, the  
14 benefit from a farmer point of view. Also farmers  
15 you mentioned, you know, are selling their fruits  
16 mainly to the whole fruit market. There are, you  
17 know, irregularities in products that go to juice.

18 And to have -- for a farmer to have a dual income  
19 stream, both for their main product and also a  
20 byproduct would be really helpful and create the  
21 synergistic effect really to grow farmers' farms.

22 So I really think a 205.606 identifying the

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1 barriers, like you mentioned in the past, but  
2 looking at the relevancy to our current  
3 marketplace, I think would lead to a lot of  
4 opportunities that aren't being tapped into for  
5 professional organic producers.

6 MS. SMITH: I had a similar comment.

7 Just about -- as you said, Mindee that, you know,  
8 so much of the product going to the whole fruit  
9 market. But yes, what about all the peels that  
10 are coming off of oranges that are for juice, or  
11 apples for juice, or apple sauce, or whatever.  
12 So where did those end up and can -- if -- can those  
13 be utilized into making organic pectin.

14 Javier.

15 MR. ZAMORA: Yes. I was just going to  
16 say I echo what you just said. I think there's  
17 a big opportunity there for some producers. I know  
18 you're going to sell your apples as fresh and --  
19 and maybe for juicing and stuff, but there's other  
20 crops that could be used. I can only think of two  
21 right away. And number one is quince. Second,  
22 there could be some wild apples that could be used.

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1       And the third one, maybe the guavas are really,  
2       really high pectin crops. I'm just thinking on  
3       my childhood and how in Mexico quince candies are  
4       created in a very easy way. And they can make it  
5       really easy, as well as the guava, you know, kind  
6       of a candy type of thing that are very predominant  
7       in the Mexican culture. So maybe there's a good  
8       opportunity there for some producers that can, you  
9       know, use some of those things.

10               MS. SMITH: Thanks, Javier.

11               Brian.

12               MR. CALDWELL: Yes. In our area,  
13       there's an increasing amount of organic apples  
14       being used for hard cider. And so the pomice,  
15       which is the -- after the squeeze -- after the juice  
16       is squeezed out, the pomice is what's left over,  
17       and it seems like that could be, you know, a source  
18       of pectin. Often now, it is just applied to the  
19       field where it has really beneficial effects. But  
20       I think that there's -- if -- a problem would be  
21       that if pectin is allowed under 205.606 that's not  
22       organic, there would never be a sort of an organic

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1 price premium that would allow an organic pectin  
2 market to develop, or a organic pectin production  
3 facility, or something to develop. So I think that  
4 might be one of our barriers as well. Not sure  
5 how to address that.

6 MS. JEFFERY: Yes. Thank you, Brian.  
7 That's a -- it's a good point. I think I missed  
8 the opportunity to also say that I appreciated one  
9 certifier listed that they had 49 nonorganic pectin  
10 uses and 4 organic pectin uses. So I think there  
11 is a little bit of development that I really hear  
12 you on. How do we move the needle on this one?

13 MS. SMITH: Rick.

14 MR. GREENWOOD: Yes. Just a comment  
15 for some of the new board members. I've been on  
16 the board long enough to know that we continually  
17 struggle with -- and I guess, I'll call it the  
18 chicken and egg thing, trying to get new markets,  
19 but at the same time not destroying the existing  
20 ones. And so how do you get incentive if you keep  
21 the nonorganic products on the listings, and  
22 develop the new market. So I don't think -- at

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1 least in my mind, I have never figured out how we  
2 can do that. It's almost like we need a parallel  
3 process.

4 The other comment I'd make is, from  
5 reading some of the things from the pectin people,  
6 all pectins are not the same. And they seem to  
7 have -- they like citrus pectin more than apple  
8 pectin and others. So I think it also would take  
9 reformulating their products. So it's really --  
10 it's a difficult problem that we've dealt with on  
11 so many other levels. But -- so I don't have an  
12 answer, but I thought I'd at least mention the  
13 problem.

14 MS. SMITH: Yes. Thanks for that,  
15 Rick. I will say that there have been examples.  
16 So, hops being one that I'm thinking about that  
17 was on 606. And there was then enough of an  
18 organic, like, hops market, and then whoever, you  
19 know -- I don't remember all the ins and outs, but  
20 had sort of worked to corner that, and really  
21 develop that market petitioned for the removal on  
22 606. So I do think that there is a process and

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1 a path forward for that if, you know, someone out  
2 there really gets a stronghold in the organic  
3 pectin market, they can petition for the removal.

4 So, anyway, that's the current process as I know  
5 it. Any other questions or comments on pectin?

6 MR. POWELL-PALM: I just always think  
7 of 606 as the land of business opportunities.

8 MS. SMITH: I know, right?

9 MR. POWELL-PALM: A little more  
10 surprised that people aren't just constantly  
11 jumping on these. It seems like the framework is  
12 here to help the business along.

13 MS. SMITH: Okay.

14 Okay. Now, back to potassium tartrate  
15 with Allison.

16 MS. JOHNSON: Thank you.

17 All right. Potassium acid tartrate is  
18 a 606(p). Most of us know this material as cream  
19 of tartar. It occurs naturally in grapes and it's  
20 a byproduct of wine making. It has a few main uses.

21 It's used in baked goods, as an ingredient in  
22 baking powder, and for stabilizing egg whites, It's

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1 also used for pH control, including for adjusting  
2 acidity of wine and as a antimicrobial.

3 And it's basically an extract of the  
4 crusty sediment that sticks to the sides of wine  
5 barrels and wine vats and it's extracted with hot  
6 water from wine lees, which is the dead yeast and  
7 grape sediments. It doesn't involve any reagents  
8 or solvents, just hot water. This material was  
9 changed from being listed as a nonagricultural  
10 synthetic to agricultural in 2019 after the last  
11 round of Sunset review and the NOSB recommendation.

12 So it does have that commercial availability  
13 requirement attached to it now.

14 We received a handful of comments.  
15 Several certifiers noted that they have clients  
16 who use it, including as a pH adjuster in wine  
17 making, and in baked goods. Several comments  
18 seemed neutral, the other had no clients using it  
19 or no member comments, and many noted that there  
20 are no listed products. And there was only one  
21 comment in support of removal. They argued that  
22 this material is a product of chemical intensive

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1 agriculture, which is always a really important  
2 reminder for us, I think, when we're looking at  
3 all of these 606 listings. And they advocated for  
4 Sunsetting it to ensure that organic is required,  
5 and also noted that there are substitutes for  
6 baking, although the link that they provided in  
7 solution said that it's actually pretty hard to  
8 substitute for.

9 The stakeholder question presented is  
10 about whether there is enough supply to meet  
11 commercial needs. And we didn't get any comments  
12 on commercial availability, although several  
13 commenters noted that they'd be interested in the  
14 answer. No certifiers said anything about how  
15 they oversee the commercial availability searches  
16 for operations that are using the nonorganic form.

17 So it'd be really helpful before the fall to hear  
18 from anyone who produces, uses, or certifies  
19 organic potassium acid tartrate. It's hard to  
20 tell if there's actually any on the market from  
21 what we've received so far.

22 I will note that from -- putting my,

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1 well, certifier hat back on, I think commercial  
2 availability for this material is particularly  
3 hard because it's derived from wine, and that  
4 because of the input limitations for organic wine,  
5 there are very few wines that are actually  
6 certified organic. Most have the made with  
7 organic grapes claim. So I think that means that  
8 we could only -- the only source of potassium acid  
9 tartrate as organic will have to come from those  
10 organic wines, and not made with organic wines.

11 So that may be a limiting factor. That's all.

12 MS. SMITH: Questions for Allison. We  
13 are like rocking the schedule by the way, guys,  
14 I've got to say. Next up, we are going to get into  
15 some proposals. And the first one --

16 MS. HUSEMAN: I can -- did -- sorry,  
17 but I'm going to have to turn my --

18 MR. POWELL-PALM: We've got two more  
19 Sunsets.

20 MS. SMITH: Oh, crap. Sorry, Kim

21 MS. HUSEMAN: No. No problem. You  
22 can skip over them.

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1 MS. SMITH: All the switching really  
2 has -- my thing -- my sheet is all wrong. Oh, my  
3 gosh. Kim, I'm sorry. Attapulгите and  
4 diatomaceous earth.

5 MS. HUSEMAN: Not to worry. I  
6 appreciate everybody working with me and my  
7 technical errors of not having power at my house  
8 for a while, but I'm back up and going. So we will,  
9 yes, so attapulгите.

10 So attapulгите is under 605 -- or,  
11 sorry, 205.605(a) non-synthetic allowed.  
12 Attapulгите, as a processing aid in the handling  
13 of plant and animal oils. Some of these references  
14 will be very similar to bentonite. It seems that  
15 there are some crossover applications to where you  
16 would use one or another. The written comments  
17 that we received -- well, I'll back up here to --  
18 the questions that we had for the stakeholders.

19 As attapulгите is used as a natural  
20 bleaching clay for the purification of vegetable  
21 and animal oils. The function of a bleaching clay  
22 is to remove undesirable by-products, impurities,

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1 for the vegetable oil and animal fat, thus  
2 improving the appearance, flavor, taste, and  
3 stability of the final product. Attapulgate is  
4 manufactured -- it's a clay which is surface mined  
5 by open-pit method, stripping by scrapers,  
6 draglines, or bulldozers, and extraction by  
7 shovels, backhoes, small draglines, or front-end  
8 loaders. The clay is then loaded onto trucks and  
9 transported to the processing plant where it's then  
10 dried, milled, and sieved to obtain the desirable  
11 range of particle sizes.

12 So we had asked stakeholders for  
13 feedback if it's be -- if attapulgate is being used  
14 in organic production today; the industries that  
15 would be most impacted with its removal from the  
16 National List; and then furthering for health  
17 concerns from the mining aspect. I wouldn't say  
18 that we received much in the way of the questions  
19 that we had asked from stakeholders, but it was  
20 angled slightly different in the responses that  
21 we did receive.

22 From a certifier standpoint it was

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1 stated that three, at the most, from two different  
2 certifiers, have operations that had attapulgite  
3 listed. One of the certifying agency made mention  
4 to the 2010 TR, where attapulgite notes that some  
5 types of the attapulgite require acid activation  
6 to achieve the necessary surface area for final  
7 use efficacy and some attapulgiters are acid  
8 activated, which is treated with a sulfuric or  
9 hydrochloric acid to enhance it's bleaching  
10 activation for using and clarifying edible and  
11 non-edible oils.

12 Non-acid treated attapulgite is  
13 appropriately listed under 205.605(a). If the  
14 intent is to to allow for acid activated, that  
15 should be listed under 205.605(b). Really we only  
16 have it listed as 605(a) and which segues into  
17 another certifying body, mentioning that they do  
18 verify attapulgite if not acid leached, acid  
19 activated, or acid treated. So there seems to be  
20 maybe some clarity concerns as far as the type of  
21 attapulgite being utilized, and if it's being  
22 utilized sufficiently under it's correct listing.

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1 It should be an annotation or a second listing.

2 But then to follow up, based off of  
3 other comments from interest groups and also listed  
4 in, you know, from certifying bodies, the need for  
5 attapulgate to be on the National List and strong  
6 support to challenge, wanting to hear more from  
7 stakeholders who are utilizing attapulgate, and  
8 the necessity where maybe bentonite or kaolin is  
9 not sufficient, as those are also listed on the  
10 National List and mentioned as possible  
11 alternatives to be able to remove a substance.

12 I would say then -- and just, kind of,  
13 to follow that up, based off of some survey results,  
14 the material does not meet the essentiality  
15 criteria. So I want to challenge that, if that's  
16 truly the case, or if there is other stakeholders  
17 that, you know, come forward and mention how it  
18 is a necessity. But it does seem that in past  
19 reviews it may have been passed, maybe not out of  
20 necessity, but just out of a lack of support to  
21 remove it, more or less. So I want some more  
22 stakeholder feedback, if we can get it, and then

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1 similar to bentonite to challenge the acid  
2 activated versus not acid activated and see if  
3 there's parallels between attapulgite and  
4 bentonite. And that's all I have there.

5 MS. SMITH: Questions for Kim?

6 Go ahead, Liz.

7 MS. GRAZNAK: Good day. This is maybe  
8 not specific to attapulgite, but being new, could  
9 somebody help me better clarify and understand what  
10 you're talking about with an (a) versus a (b)  
11 listing, like, a first versus a second listing.  
12 That is not clear to me.

13 MS. SMITH: Sure. So on the handling  
14 list at 205.605 here, these are all nonag,  
15 nonorganic materials that are divided into either  
16 synthetic or non-synthetic. And it's a little bit  
17 different, like I was saying before, whereas like  
18 the crops and livestock lists function just a  
19 little bit differently in that all non-synthetics  
20 or naturals are allowed -- inherently allowed  
21 unless they're prohibited. In which case they  
22 would end up on 205.602 for crops or 205.604 for

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1 livestock. And then the opposite is true, where  
2 synthetics are prohibited unless they're  
3 specifically allowed.

4 So with the handling list, so to be used  
5 in -- as -- in or on organics -- or products labeled  
6 as organic, or made with organic they have to be  
7 listed in -- like, there's no assumption that  
8 they're allowed. And so whenever we -- whenever  
9 a material or substance is petitioned, the first  
10 vote that we take is to classify the material.  
11 And we classify it as synthetic or nonsynthetic.

12 And that's where -- that's then where it gets  
13 placed on the list.

14 However, there have been further  
15 instructions and guidances developed along the way  
16 that have helped the board, and certifiers, and  
17 material review organizations make those  
18 determinations. And so those now, like, live in  
19 the National Organic Program Handbook, often  
20 referred to as the decision tree, right? So  
21 there's, like, the ag/nonag decision tree and  
22 there's the synthetic/non-synthetic decision

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1 tree. And so that helps the board and others make  
2 those classification material -- or classification  
3 determinations.

4 But those didn't exist when the list  
5 was first developed. And so there have been times  
6 where we didn't get it right, or manufacturing has  
7 changed, you know, so that's why we, like,  
8 re-uplist TRs every so often. And so there often  
9 will, either be through a petition, or our own,  
10 like, board work where -- where we will decide that  
11 we either want to, like, reclassify a material or,  
12 you know, move it around a little bit.

13 Does that answer your question, Liz?

14 Okay. Any other questions for Kim?

15 Okay. You want to move to diatomaceous  
16 earth.

17 MS. HUSEMAN: Yes. And thank you for  
18 that explanation, Kyla. It was very well said.

19 MS. SMITH: Thank you.

20 Yes. And this is just, Jared, an open  
21 invitation to, like, if I'm saying anything that  
22 is not correct, like, please jump in at any point,

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1 Jared or Andrea, to correct me.

2 MS. HUSEMAN: That was great.

3 Okay. So we'll move forward with the  
4 final handling Sunset item today which is  
5 diatomaceous earth, so specifically listed under  
6 205.605(a) as a nonsynthetic allowed, for food  
7 filtration aid only. Diatomaceous earth has  
8 several applications, very specifically looking  
9 for this -- the food filtering aid. So  
10 diatomaceous earth, or also referenced as DE used  
11 as a filtering aid in food productions of syrups,  
12 juices, beer, beverages, and other products.

13 Diatomaceous earth is made from the  
14 fossilized remains of diatoms. Their skeletons  
15 are made of a natural substance called silica.  
16 Diatoms accumulate in the sediment of rivers,  
17 streams, lakes, and oceans, and is mined in  
18 quarries or open pits.

19 So questions to our stakeholders were,  
20 Is the continuing use of DE today -- is there  
21 continuing use of DE today in organic production.

22 Have there been any changes in the environmental

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1 issues? And are there alternative filtration aids  
2 allowing for the removal of DE on the National List?

3 Overwhelmingly, from several responses that we  
4 received is that the need for diatomaceous earth  
5 in the production -- very specifically, the Juice  
6 Products Association did comment saying that DE  
7 is being used and it's needed and to not get off  
8 the list.

9 That -- Moser also mentioned that it  
10 -- from a handling perspective -- although it's  
11 mainly used as a pest control in the use of food  
12 production it is needed. From a syrup production  
13 standpoint there was a four out of five necessity  
14 ranked for the ability to produce maple syrup, and  
15 the need for diatomaceous earth in that particular  
16 arena, you know, for you to be able to remove the  
17 insolubles and the impurities, there's a need in  
18 the organic states. I do not have any commenters  
19 that opposed it to be relisted, so felt like it  
20 was pretty straightforward.

21 That's all I've got, Kyla.

22 MS. SMITH: Thanks, Kim.

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1                   Any questions for Kim on diatomaceous  
2 earth?

3                   Okay. Now we are through Sunsets.  
4 Thank you for bearing with me fumbling around like  
5 that. And now we will move to the proposal on CPC,  
6 and I will pass to Wood.

7                   MR. TURNER: Thanks, Kyla.

8                   We have a petition material that is  
9 called cetylpyridinium chloride. I will never say  
10 that again over the course of this session and I'll  
11 call it CPC from here on out, but -- and I want  
12 to just preface by saying, I am a torch carrier  
13 on this particular petition for our former  
14 colleague, Dr. Asa Bradman, who did most of the  
15 work on this, prior to his rotating off of the  
16 Board. So I hope you will -- you all give me as  
17 much generosity in your -- in my non-technical sort  
18 of description, my non -- I'm not a doctor, of this  
19 material. But it's -- I just want to preface it  
20 that way.

21                   So we have a material here that's been  
22 petitioned as an antimicrobial processing aid

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1 specifically for application onto poultry or  
2 poultry parts at slaughter or processing plants.  
3 And it's being petitioned to be listed at 605(b)  
4 synthetic, nonagricultural, nonorganic substance  
5 allowed in or on processed products labeled as  
6 organic or made with organic ingredients. It  
7 would be added to water as a drench or dip to reduce  
8 populations of foodborne pathogens such as  
9 salmonella and compylobacter that may be present  
10 on raw poultry.

11 The proposed listing would indicate,  
12 CPC antimicrobial food treatment for use according  
13 to FDA limitation. The petition came in -- end  
14 of 2019, amended in early 2021. TR was found  
15 sufficient -- or was produced and found sufficient  
16 in August of '21, and we're moving it forward here  
17 today.

18 There's a few issues that I -- and I  
19 know you all have made -- give materials in the  
20 comments. Actually, fairly few -- we didn't hear  
21 very much from folks in the -- in our oral comments,  
22 but there were some -- a significant number of

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1        comments in our written comments. So there's a  
2        few issues and I just want to try to summarize them  
3        for you.

4                    So one of the most fundamental relates  
5        to the fact that what we're talking about here is  
6        a material that is in a class of substances referred  
7        to as QACs, or quaternary ammonium compounds. And  
8        these are, you know, microbicides. We're talking  
9        about a material that has -- a set of materials  
10       that has sort of risen in prominence, I think, over  
11       the course of our confusion, our collective  
12       obsession with what to do about COVID-19. And so  
13       we've seen a lot of concern and a lot of -- a rise  
14       in the use of these materials. They're very  
15       powerful materials that are antimicrobial in  
16       nature and have -- many have indicated there's a  
17       number of, you know, impacts both into human health  
18       and to the environment associated from --  
19       associated with QACs.

20                    So I'll say that. There's also a  
21        concern in this material that when you apply  
22        something like this, that QAC or that material is

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1 going to be -- there will be residues from that  
2 material not only on the surfaces, but also on the  
3 meat that's being treated with that material.

4 Another issue relates to sort of this,  
5 I guess, there are two issues that are kind of  
6 looming fairly really large, I think, in petitions  
7 like this. We have an ongoing -- some of you are  
8 aware of this, we have an ongoing process to try  
9 to understand where and how we review sanitizers.

10 What is the appropriate rotation of sanitizers  
11 in Organic? How do we evaluate the sanitizer  
12 toolkit? How do we ensure that in Organic we are  
13 meeting the expectation that the consumer has,  
14 relative to food safety but not doing that  
15 indiscriminately, not introducing new materials  
16 that are inconsistent with Organic.

17 And so this is an important issue and  
18 this would be, you know, this petition which would  
19 sort of introduce a new sanitizer into the mix.

20 Not necessarily -- it doesn't necessarily suggest  
21 -- it's not -- it doesn't necessarily provide any  
22 helpful guidance to us on sort of what the right

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1 rotation and what the right review of sanitizers  
2 needs to be. It would just be a new sanitizer and  
3 an extremely powerful antimicrobial as a result.

4 I'll indicate that we also have another  
5 antimicrobial petition in the mix as well. That's  
6 on a different timeline from this material. So  
7 that's important to consider.

8 And then perhaps, maybe most important  
9 here is the idea that we -- that in order to produce  
10 CPC, you have to use a material -- an ancillary  
11 or other material called propylene glycol to  
12 complete the formulation. And it's outlined --  
13 this process is outlined in full in the TR. I'm  
14 not even going to begin to explain it to you, but  
15 it does raise important questions because we don't  
16 have any guidance in handling reviews -- for how  
17 to review materials -- ancillary and other  
18 materials like propylene glycol. And so it is a  
19 functional requirement -- to be able to use CPC,  
20 you have a functional requirement to use propylene  
21 glycol. And so this is a complicated issue.

22 That said, so no clear -- got no clear

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1 pathway on sanitizers. No clear pathway on  
2 ancillary or other materials, and how to review  
3 them. However, the subcommittee in its  
4 discussions believe that for the other reasons that  
5 I've articulated related to the use of QACs and  
6 the use -- and the residue issue, for example, that  
7 we could review this material on the merits outside  
8 of those other few considerations. So that's kind  
9 of where we are.

10 So there is a, you know, there -- I won't  
11 go through the history of, kind of, the discussion  
12 between the NOP and the NOSB. I'm not even sure  
13 I fully have internalized it myself in terms of  
14 sort of how to understand this other ingredient  
15 issue. Only to say that there have been, you know,  
16 at least as far back as 2011 and probably further,  
17 ongoing discussion back and forth related to how  
18 to think about this idea of other materials or  
19 ancillary materials. So we're sort of in a  
20 situation where we're sort of thinking about  
21 ancillary materials like propylene glycol and kind  
22 of, I think, accumulating this list of these

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1 materials that are required to sort of move other  
2 products forward.

3 And when the NOP provides guidance to  
4 us on how to appropriately review ancillary  
5 substances, we can begin -- we can sort of take  
6 into consideration how to do that. Again, I don't  
7 want to get confused. I don't want to confuse the  
8 issue here because I am suggesting that we have  
9 a discussion on this material on the merits outside  
10 of the ancillary material issue, and outside of  
11 sort of the sanitizer reviews. Because I think  
12 it has some of the unique considerations that are  
13 important, including, I should say, very strong  
14 community concern about the material in our written  
15 comments, and specifically about this issue of  
16 quaternary ammonium compounds, quats, QACs,  
17 however you want to refer to them, that are  
18 considered to be -- considered to leave persistent  
19 residues, and are thought of by non-profit  
20 organizations, by certifiers, by individuals who  
21 commented to us that they're not consistent with  
22 organic principles.

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1           You all have seen these comments as  
2 well. I think, you know, we -- you know, it's --  
3 I think it's been unusual in my tenure on the board  
4 to see such sort of emphatic language about  
5 material as I've seen related to this material.

6       I'm sure there are others -- other examples, but  
7 I think people have been shocked to see a material  
8 like this come before the Board for consideration.

9       That said, you know, the industry as a whole,  
10 suggests that it's a critical material.

11           One thing that, you know, one thing that  
12 I noted, that I've been sort of wrestling with in  
13 my brain, is this idea that somehow CPC ensures  
14 higher quality meat than other sanitizers. And  
15 I have a really hard time with that. I can't quite  
16 -- I can't get my head around that. I don't want  
17 to get on a soap box about it, but I don't understand  
18 that. As a regular consumer of organic poultry,  
19 I just don't -- I just can't -- I think we're talking  
20 about something that for me almost goes to the same  
21 level as sort of the obsession that we see in the  
22 marketplace around imperfect food.

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1 I mean, you know, I'll eat your apples  
2 anyday, Brian, with a spot on them. I don't care.

3 I don't -- I'm not saying that's analogous to this,  
4 but I'm suggesting that somehow the food quality  
5 statement that I've heard from the industry and  
6 some of the comments are overstated. Not to take  
7 anything away from the concern about the pathogens  
8 we're talking about here. These are important  
9 considerations.

10 And I think if -- I don't want to  
11 suggest, I don't want to diminish or minimize in  
12 any way kind of a need to ensure food safety for  
13 the consumer. On the other hand, at what cost,  
14 and what, you know, what do we have to do to provide  
15 that? And I'm not at a place myself in this review  
16 where I feel like this material is necessary to  
17 be able to ensure that. I know there's -- there  
18 seems to be some concern from the industry in some  
19 of their comments that it's, you know, that I'm  
20 wrong on that, but I'll leave that there.

21 Let me see what else I wanted to add  
22 here.

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1           I think that's probably all I want to  
2           say for the moment, Kyla, on this. I think we  
3           should open it up for discussion and you and I,  
4           and others who have been involved in this process  
5           with Asa can try to take whatever questions may  
6           exist on this, and I'll stumble through them or  
7           clumsily try to handle those questions that I can,  
8           but that's where I am.

9           MS. SMITH: Yes. Thank you so much,  
10          Wood, for your work on this and taking this over  
11          from Asa. I know it was no small task and, like,  
12          yes, I 100 percent have your back and will answer  
13          the questions as best as we can.

14          Rick, go ahead.

15          MR. GREENWOOD: Yes. First of all,  
16          Wood, I feel your pain. These are tough issues.

17          And I think there's always this push to have more  
18          disinfectants because of generating resistance in  
19          microbial organisms. And so the industry wants  
20          a lot of choices, so they can use one thing for  
21          a while and then switch so they don't do it. My  
22          concern with the quats besides the residue is they

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1 have some real limitations and there's a tremendous  
2 amount of literature on the fact that, for  
3 instance, pseudomonas aeruginosa can grow very  
4 nicely in quats.

5 And I've had real experience with that  
6 doing hospital microbiology where they used to  
7 disinfect indwelling catheters between patients  
8 and ended up giving them pseudomonas because it  
9 was growing in the disinfecting solution. So I've  
10 never liked it. That's a personal thing because  
11 I've seen problems with it and I don't know  
12 basically if it's really necessary considering the  
13 other choices that we have. I know we're always  
14 pushed to add one more, so we have lots of, as  
15 everyone says, tools in the toolbox. But I don't  
16 know if this is a particularly good one to add.

17 MS. SMITH: Allison?

18 MS. JOHNSON: Thanks so much for the  
19 overview. It was really easy to follow. And I  
20 just wanted to add that when I saw this on our voting  
21 list for my first meeting, I was actually kind of  
22 relieved, because this one seemed so

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1 straightforward from my certifying days. Quats  
2 were the no, no. It's, like, hard line, oh, it's  
3 a quat, not allowed. So it seems like a really  
4 straightforward decision to me. It's not  
5 compatible with the, you know, practices that have  
6 been in place for 20 years. And I don't see any  
7 reason to add it now.

8 MS. SMITH: Thanks, Alison.

9 I'll add too that PCO certifies a decent  
10 amount of poultry operations. And to my  
11 knowledge, we have not had any operators inquiring  
12 about use of CPC or any type of quat as a indirect  
13 through contact, as a carcass wash.

14 Dilip.

15 MR. NANDWANI: Well, I'll just add a  
16 quick comment as I shared on subcommittee, that  
17 there are a few reports available in the scientific  
18 community which says about these residues on the  
19 poultry skin. And also there was a concern having  
20 some infection in pulmonary cells in humans as  
21 well. There are some good reports available which  
22 I had shared. So I just wanted to add that. Thank

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1       you.

2                   MR. TURNER:  Thanks, Dilip.

3                   MS. SMITH:  Thanks, Dilip.

4                   Logan.

5                   MS. PETREY:  Hi.  Thank you.  This is  
6       more directed towards Kyla on follow-up to that  
7       certifying poultry places.  Have you noticed that  
8       there's an issue with sanitizers not working and  
9       salmonella breaking either -- or they in trouble  
10      and needing something?

11                  MS. SMITH:  Not to my knowledge.  But  
12      I don't know, things sort of only filter up to me  
13      when it's dire, like, straits.  But I haven't heard  
14      anything from, like, our review side, or our  
15      inspections team along those lines.

16                  MS. PETREY:  Because I was expecting  
17      a little bit more, you know, if there was a case,  
18      more commenters to say that there was a need.  And,  
19      Wood, I don't know, I didn't see enough --

20                  MR. TURNER:  It was limited.

21                  MS. PETREY:  -- the more -- except,  
22      probably it came from maybe the producers of the

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1 products, than more so the growers or the  
2 producers. So, okay. Thank you.

3 MS. SMITH: Kim.

4 MS. HUSEMAN: Yes. Maybe just to  
5 follow up on that aspect, both the comment and the  
6 question. Stakeholders that I are in contact with  
7 have not mentioned a need for additional products  
8 in order to safely produce poultry products. And  
9 I guess then my question to Wood would be, did you  
10 find that there were stakeholder comments,  
11 requesting and needing a product such as CPC, in  
12 addition to current practices, in order to maintain  
13 safe product in the poultry industry?

14 MR. TURNER: Yes. I think as Logan  
15 just alluded to Kim, and I appreciate you asking  
16 the question directly, there were, I mean, there  
17 were -- there was a comment from a producer  
18 suggesting -- a large producer that suggested that  
19 it would be beneficial, to use Rick's words, a  
20 beneficial addition to the tool kit. But not a  
21 flood of comments by any stretch of the  
22 imagination. I think the only real comments we

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1 heard in the written comments in support of that  
2 were from that one large producer and from the  
3 petitioner. So I'm particularly interested in  
4 your perspective on that, Kim, so I appreciate you  
5 weighing in.

6 MS. SMITH: Mindee.

7 MS. JEFFERY: Thanks. I -- in the  
8 write up, I really appreciated the emphasis of the  
9 -- that CPC is non essential, and that the organic  
10 poultry industry is supported by existing  
11 materials, and that we are in compliance with food  
12 safety standards. And I'm concerned with this  
13 notion it -- that the -- it's expected to remove  
14 the majority of CPC from treated surfaces, but that  
15 CPC residues have been found on poultry skin.

16 And I got to tell you, this is a customer  
17 service nightmare waiting to happen at the good  
18 earth because our customers are highly educated.

19 And if somebody started telling them that there  
20 was quats in their chicken skin, they're going to  
21 walk up to the meat counter and they're going to  
22 ask the first person, which one of these organic

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1 chicken companies that you carry doesn't use quats  
2 in their processing? And then we're going to go  
3 back and try to split that hair.

4 And the danger here for me is that,  
5 like, long-term titration of consumer investment  
6 in organic. And I, like -- I'm a nerd. I love  
7 independent natural food retailers and I love  
8 co-ops. And I've spent 20 years going around the  
9 country, every time I was at a trade show, trying  
10 to get into every single one of them I could and,  
11 like, walk in and ask harder customer service  
12 questions to kind of see where we are with organic  
13 education.

14 And it's a tough one, man. You really  
15 have to work hard to get that customer service  
16 level, like, real organic enthusiasts, where you  
17 get great answers from every person in the store.

18 And this one would really not. And so I really  
19 feel strongly that this is a -- this is not  
20 something that we can do to customer service in  
21 organic land right now. Because if we don't need  
22 it in the poultry industry, we certainly don't need

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1 this question in the customer service interaction.

2 MR. TURNER: Yes. Yes. Totally.

3 MR. POWELL-PALM: If we were in person,  
4 I could just start clapping right now.

5 MS. SMITH: That was so good, Mindee.

6 MR. TURNER: Well said, Mindee. I  
7 only have one more point to that. And I -- there  
8 will be people -- I mean, I don't want to preempt  
9 our vote here, Kyla. But there will be people in  
10 the community who will say -- who might say, well,  
11 I mean, this is -- CPC is in every mouthwash and  
12 toothpaste that we use every single day. And first  
13 of all, it's not in every mouthpiece -- mouthwash  
14 and toothpaste we use every single day. And second  
15 of all, if the FDA says it's safe in mouthwash and  
16 toothpaste it doesn't mean it's consistent with  
17 organic principles. And I just -- I want to make  
18 that distinction really clear. They're not the  
19 same thing. And we're not charged with the same  
20 mandate. And so we have to represent the point  
21 of view that we have here as an organic community  
22 on materials like this, so --

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1 MS. SMITH: That's what -- it's, like,  
2 100 percent on the nose.

3 Rick.

4 MR. GREENWOOD: Yes. Just one final  
5 comment and I think that's what's great about  
6 Organic, is that we keep this wall up. And I'll  
7 give you the example of aspirin. I don't know how  
8 many of you saw that for years they've talked about  
9 taking aspirin to prevent heart attacks and  
10 physicians do it. And -- what was it, two days  
11 ago, suddenly it's said, that's not a good idea.  
12 You shouldn't do it. And so I think our plan is  
13 to keep all of these things out, so we don't have  
14 to come back to people ten years later and say,  
15 huh, sorry, you got cancer because we allowed this  
16 in. I think that's what people look to for  
17 Organic. So I think having a strict line is  
18 actually very important.

19 MS. SMITH: Okay. I'm seeing no more  
20 hands, but this is a biggie, so I don't want to  
21 rush the time. And we're doing pretty good. So  
22 feeling ready to vote?

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1                   MR. TURNER: Kyla, can I just say one  
2 thing. So well, maybe I'm preempting. Sorry.  
3 I wanted to, I guess, clarify, the way we've  
4 articulated the motions. Is that appropriate at  
5 this point?

6                   MR. GREENWOOD: It definitely is.  
7 Yes. I want to make sure we get this right.

8                   MR. TURNER: Okay. Right. So we --  
9 so I just want to make sure -- I'm going to let  
10 Kyla manage -- Kyla, as chair, manage this. But  
11 it -- there is a -- will -- there will be a -- I'll  
12 be making a motion about the classification of this  
13 material. I'm also making a motion about the  
14 material that would suggest if it were approved,  
15 it can only be approved -- can only be used with  
16 propylene glycol. So that's an important part of  
17 this. So we are adding that stipulation to the  
18 motion so you're aware that what we're voting for  
19 is something that would place it outside of a clear  
20 process. Kyla, can you help me with that?

21                   MS. SMITH: Sure. Yes. So we'll take  
22 two votes, again, like I was describing before.

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1 MR. TURNER: Yes.

2 MS. SMITH: We have to -- this is a  
3 petition material. So it's not a Sunset material.

4 MR. TURNER: Right.

5 MS. SMITH: So this material first  
6 needs to go through a classification motion. So  
7 that's the first motion. It's on the screen. And  
8 both of these motions come first and seconded out  
9 of the subcommittee so we don't need to redo that,  
10 correct? So they just come first and seconded and  
11 we don't have to go through the whole motioning  
12 process. And so we'll just -- I'll read them into  
13 the record as such and then we'll proceed with the  
14 vote.

15 For the National List motion -- and  
16 again, I'm going to try -- I don't want to confuse  
17 everybody. So because -- but this will be, in the  
18 fall when we're having to vote on Sunsets, a little  
19 bit more complicated because we are sort of having  
20 to flip back-and-forth with your yeses and nos.

21 But for this motion, the National List motion,  
22 it is to add. And so a no vote would be to not

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1 add. It would not appear on the list. And just  
2 to clarify that there is an annotation as it is  
3 on the screen there, CPC can only be used in  
4 formulation with propylene glycol per FDA  
5 requirements. And so that would be listed. If  
6 it were to pass and be added, that is how it would  
7 be annotated so that propylene glycol would be  
8 allowed in the formulation. Is that all clear?

9 MR. POWELL-PALM: I think so. So no  
10 vote keeps it from being added to the list. A no  
11 vote kills it.

12 MS. SMITH: Correct. Just wanted to  
13 make sure that the annotation part was clear as  
14 well. Okay.

15 MR. TURNER: I guess the point I want  
16 to -- I guess you're right about that, Nate. I  
17 just want to make sure that it's clear that in no  
18 context, even if there were a yes, even if it  
19 passed, there's no way this material could be used  
20 at all without propylene glycol in the formulation,  
21 which adds another layer to its listing. With --  
22 and another way, if it was -- I'm not saying that

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1 right. I'm not saying that -- are you following  
2 me?

3 MR. POWELL-PALM: I am. Yes. I was  
4 just quietly looking at the comments because that  
5 was -- that confusion was voiced as well.

6 MR. TURNER: Oh. It was. I didn't  
7 know.

8 MR. POWELL-PALM: Yes. I think we're  
9 landing right. Does anyone else have any  
10 questions about this annotation? Are we tracking  
11 together, that we're talking about CPC with the  
12 propylene glycol as the only space in which it could  
13 exist? And then we're going to vote on, does it  
14 exist on our National List at all?

15 MS. SMITH: And our understanding was  
16 that, like, it was required to be formulated by  
17 FDA with the use of propylene glycol. So they're  
18 like a package deal.

19 MR. POWELL-PALM: Yes.

20 MS. SMITH: Okay. I'm going to move  
21 to the vote.

22 MR. POWELL-PALM: All right.

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1 MS. SMITH: All right. So first we'll  
2 take the -- wait a minute. I got to get my  
3 spreadsheet up. I'm, like, doing this in the  
4 secretary thing, so --

5 MR. POWELL-PALM: Totally good. And  
6 I can track with you for that. If you and I could  
7 -- and I can switch roles with you for a second  
8 to take notes.

9 MS. JEFFERY: I got it.

10 MS. SMITH: My handy dandy spreadsheet  
11 does most of the work for me, so I just wanted to  
12 make sure I was up and ready, but thanks for the  
13 backups.

14 Okay. So classification motion first.  
15 And the motion -- or the voting will start with  
16 Brian.

17 And so the motion comes first and  
18 seconded out of subcommittee. The motion is to  
19 classify CPC --

20 Wood, can you say real name for me.

21 MR. TURNER: Cetylpyridinium  
22 chloride.

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1 MS. SMITH: Thank you.

2 -- CPC as a nonagricultural synthetic  
3 substance. It was motioned by Wood and seconded  
4 by Kyla Smith, myself. And the vote starts with  
5 Brian and I'll turn it to you, Nate, to call the  
6 vote.

7 MR. POWELL-PALM: Sure.

8 MS. SMITH: Oh. Wait. I'm sorry.

9 MR. POWELL-PALM: Go ahead.

10 MS. SMITH: Any further discussion?

11 MR. POWELL-PALM: Hearing none.  
12 We'll move to the vote.

13 Brian, please go ahead.

14 MR. CALDWELL: Yes.

15 MR. POWELL-PALM: Jerry.

16 MR. D'AMORE: Yes.

17 MR. POWELL-PALM: Carolyn.

18 MS. DIMITRI: Yes.

19 MR. POWELL-PALM: Rick.

20 MR. GREENWOOD: Yes.

21 MR. POWELL-PALM: Liz.

22 MS. GRAZNAK: Yes.

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1 MR. POWELL-PALM: Kim.

2 MS. HUSEMAN: Yes.

3 MR. POWELL-PALM: Mindee.

4 MS. JEFFERY: Yes.

5 MR. POWELL-PALM: Allison.

6 MS. JOHNSON: Yes.

7 MR. POWELL-PALM: Dilip.

8 MR. NANDWANI: Yes.

9 MR. POWELL-PALM: Logan.

10 MS. PETREY: Yes.

11 MR. POWELL-PALM: Kyla.

12 MS. SMITH: Yes.

13 MR. POWELL-PALM: Wood.

14 MR. TURNER: Yes.

15 MR. POWELL-PALM: Javier.

16 MR. ZAMORA: Yes.

17 MR. POWELL-PALM: And the chair votes

18 yes.

19 MS. BRUCH: Nate, I also vote yes.

20 MR. POWELL-PALM: I'm sorry. Did I

21 totally skip you? Please forgive me.

22 MS. BRUCH: Don't go right around the

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1 other side again.

2 MR. POWELL-PALM: Oh, yes. I'm sorry.

3 Yes. You're at the top of --

4 MS. BRUCH: -- the pack.

5 MR. POWELL-PALM: I won't make that  
6 mistake again. You made us look --

7 MS. BRUCH: No worries.

8 MR. POWELL-PALM: Thank you, Amy.

9 MS. BRUCH: Yes.

10 MS. SMITH: Okay. So I have 15 yes,  
11 0 no, 0 abstentions, recusals, or absents. So the  
12 motion passes.

13 Okay. The second motion comes first  
14 and seconded out of a subcommittee. The motion  
15 is to add CPC with the following annotation. CPC  
16 can only be used in formulation with propylene  
17 glycol per FDA requirements. And it was motioned  
18 by Wood and seconded by myself. The voting will  
19 start with Jerry. But before that, any further  
20 discussion?

21 MR. POWELL-PALM: Hearing none, we'll  
22 go to the vote.

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1 Jerry, please go ahead.

2 MR. D'AMORE: I vote no.

3 MR. POWELL-PALM: Carolyn.

4 MS. DIMITRI: I vote no, also.

5 MR. POWELL-PALM: Rick.

6 MR. GREENWOOD: No.

7 MR. POWELL-PALM: Liz.

8 MS. GRAZNAK: No.

9 MR. POWELL-PALM: Kim.

10 MS. HUSEMAN: No.

11 MR. POWELL-PALM: Mindee.

12 MS. JEFFERY: No.

13 MR. POWELL-PALM: Allison.

14 MS. JOHNSON: No.

15 MR. POWELL-PALM: Dilip.

16 MR. NANDWANI: No.

17 MR. POWELL-PALM: Logan.

18 MS. PETREY: No.

19 MR. POWELL-PALM: Kyla.

20 MS. SMITH: No.

21 MR. POWELL-PALM: Wood.

22 MR. TURNER: No for me.

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1 MR. POWELL-PALM: Javier.

2 MR. ZAMORA: No.

3 MR. POWELL-PALM: Amy.

4 MS. BRUCH: No.

5 MR. POWELL-PALM: Brian.

6 MR. CALDWELL: No.

7 MR. POWELL-PALM: And the chair votes  
8 no.

9 MS. SMITH: Okay. I have 0 yes, 15 no,  
10 0 abstain, recuse, or absent. The motion fails.

11 MR. POWELL-PALM: All right.

12 MS. SMITH: Okay. Switching gears.  
13 We are going to phosphoric acid and I will be  
14 presenting this.

15 So phosphoric acid was petitioned to  
16 expand annotation to also allow in addition to its  
17 current allowance of cleaning of food-contact  
18 surfaces and equipment, to be used as an acidifier  
19 to adjust pH of an extraction solvent to extract  
20 antioxidants or other target molecules from  
21 lamiaceae plants, provided the amount of acid shall  
22 -- used shall not exceed the minimum needed to lower

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1 pH to 2.5. So we asked a few clarifying questions  
2 that you can see on the screen there, which we  
3 didn't really receive direct answers to in the  
4 public comment process.

5 Most public or most commenters felt  
6 like additional information such as the answers  
7 to those questions that we posed in the proposal  
8 were needed prior to being able to vote on this  
9 substance. We do appreciate all the feedback that  
10 was provided and we will take this back to  
11 subcommittee to do more work. So that is my  
12 recommendation, is to actually vote this back to  
13 subcommittee. But I'm happy to answer any  
14 questions.

15 Go ahead, Brian.

16 MR. CALDWELL: Kyla, I just had a  
17 question about this. First of all, just so  
18 everybody knows, the lamiaceae is the mint family,  
19 so that's, you know, that's the kind of plants that  
20 they're talking about. But I didn't see any  
21 explicit information as to how the extraction was  
22 going to actually, you know, what the process was

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1 that involved the phosphoric acid to extract  
2 whatever they're extracting from these plants.  
3 So that's just -- to me, it was a little bit of  
4 a gap. And just to make sure any materials that  
5 are used in that extraction, like solvents or  
6 whatever, have to -- do they have to be on the  
7 National List in some way also? Or are they  
8 considered to be just not in -- well anyway, how  
9 is that handled, you know, the actual extraction  
10 process for this sort of thing?

11 MS. SMITH: Look at the --

12 MR. CALDWELL: They talked a lot about  
13 how phosphoric acid was extracted from the brew  
14 that produces phosphoric acid, but they didn't talk  
15 about how, say, you know, a sugar or a -- or some  
16 kind of organic acid, or something like that, would  
17 be extracted from the mint plants.

18 MS. SMITH: Yes. I think that that  
19 was, like, part of our struggle, yes, was fully  
20 understanding --

21 MR. CALDWELL: Yes.

22 MS. SMITH: Yes. The exact

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1 functionality as well.

2 MR. CALDWELL: Very good. Thank you.

3 MS. SMITH: Any other questions?

4 MR. POWELL-PALM: Hearing none, do you  
5 want to make a motion, Kyla, to send back?

6 MS. SMITH: Yes. So I will make the  
7 motion to send phosphoric acid annotation change  
8 proposal back to subcommittee.

9 MR. POWELL-PALM: And do we have a  
10 second?

11 MS. JEFFERY: I'll second.

12 MR. POWELL-PALM: All right. So we  
13 have a motion to send back to subcommittee. And  
14 we're going to start the vote --

15 MS. SMITH: Nate.

16 MR. POWELL-PALM: Yes?

17 MS. SMITH: Sorry. Any further  
18 discussion just for -- process-wise?

19 MR. POWELL-PALM: Yes.

20 MS. SMITH: Usually there's not but,  
21 you know.

22 MS. PETREY: I'm sorry, Nate, can you

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1 verbalize who made that second I missed that.

2 MR. POWELL-PALM: Yes. So the motion  
3 was made by Kyla, seconded by Mindee.

4 And we'll start the voting to go back  
5 to subcommittee with Carolyn.

6 MS. DIMITRI: Yes. Let's send it  
7 back.

8 MR. POWELL-PALM: All right. Rick.

9 MR. GREENWOOD: Yes.

10 MR. POWELL-PALM: Liz.

11 MS. GRAZNAK: Yes.

12 MR. POWELL-PALM: Kim

13 MS. HUSEMAN: Yes.

14 MR. POWELL-PALM: Mindee.

15 MS. JEFFERY: Yes.

16 MR. POWELL-PALM: Allison.

17 MS. JOHNSON: Yes.

18 MR. POWELL-PALM: Dilip.

19 MR. NANDWANI: Yes.

20 MR. POWELL-PALM: Logan.

21 MS. PETREY: Yes.

22 MR. POWELL-PALM: Kyla.

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1 MS. SMITH: Yes.

2 MR. POWELL-PALM: Wood.

3 MR. TURNER: Yes.

4 MR. POWELL-PALM: Javier.

5 MR. ZAMORA: Yes.

6 MR. POWELL-PALM: Amy.

7 MS. BRUCH: Yes.

8 MR. POWELL-PALM: Brian.

9 MR. CALDWELL: Yes.

10 MR. POWELL-PALM: Jerry.

11 MR. D'AMORE: Yes.

12 MR. POWELL-PALM: And the chair votes

13 yes.

14 MS. SMITH: I have 15 yes, 0 no, 0

15 abstain, recuse, or absent. The motion passes.

16 MR. POWELL-PALM: Very good.

17 MS. SMITH: Okay that concludes the

18 handling subcommittee report. And I will hand it

19 back to you, Nate.

20 MR. POWELL-PALM: All right. Thank

21 you, Kyla. That was a lift. So thank you so much

22 for your leadership and everyone's hard work. I

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1 think watching those votes and watching this  
2 deliberation and collaboration is just a beautiful  
3 picture of how this board can work so effectively.

4 And we're ahead of schedule. So please,  
5 everyone, pat yourselves on the back because that  
6 was a heavy lift and we did it really well.

7 So we are moving into lunch and we're  
8 about 14 minutes early. After lunch, we're going  
9 to be going to hear a report on the state of organic  
10 seed by Kristina Hubbard, followed by a report from  
11 Mat Ngouajio -- I apologize if I'm getting that  
12 wrong with NIFA. So we'll hear some interesting  
13 updates after lunch and then we'll move into the  
14 materials subcommittee. So I think if it's all  
15 right with everybody, we will just take these 13  
16 minutes to grab an extra bite. All right. So we  
17 will be back at the top of the hour, 2:00 p.m.  
18 Eastern Time. Nope. Sorry. It is 2:00 p.m.  
19 Eastern Time. Let me just -- this is why I don't  
20 try to do the time zones. Michelle, do you have  
21 a slide for -- it will just be the top of the hour,  
22 1 hour and 13 minutes from now.

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1 MS. ARSENAULT: They're working on  
2 adjusting the time for the slide, so --

3 MR. POWELL-PALM: All right. Thank  
4 you, everybody.

5 MS. ARSENAULT: Thanks, Nate.  
6 Thanks, everyone

7 MR. POWELL-PALM: See you all in a bit.

8 (Whereupon, the above-entitled matter  
9 went off the record at 1:47 p.m. and resumed at  
10 3:00 p.m.)

11 MR. POWELL-PALM: All right. Here we  
12 are. Welcome back, folks. Hope everyone had a  
13 good break. To get our afternoon kicked off, we're  
14 going to start with a presentation from Kristina  
15 Kiki Hubbard with the Organic Seed Alliance. And  
16 I always have to give a shout out to my fellow  
17 Montanans. So I'm really glad that Kiki can join  
18 us today, and we'll have what I hope to be a great  
19 discussion around certified organic seed.

20 So with that, I'll hand it over to you,  
21 Kiki.

22 MS. JEFFERY: Well, just kidding,

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1 Wood, you're handing it over to Mindee to introduce  
2 Kiki.

3 MR. POWELL-PALM: Oh, I apologize.  
4 I'm handing over to Mindee.

5 MS. JEFFERY: And I just called you  
6 Wood --

7 MR. TURNER: And you just called Nate  
8 Wood, you can call Nate me. Yes.

9 MS. JEFFERY: -- so it's even better.  
10 What's your name?

11 MR. POWELL-PALM: Take it out. So  
12 please proceed.

13 MS. JEFFERY: Kiki Hubbard is the  
14 director of advocacy and communications for the  
15 Organic Seed Alliance. Her work on seed policy  
16 spans 20 years in the areas of antitrust,  
17 biotechnology, consolidation, intellectual  
18 property, and organic regulation. Growing up in  
19 Wisconsin and working on an organic farm piqued  
20 her interest in sustainable agriculture and  
21 environmental justice. She went on to pursue  
22 related law and policy issues in Washington DC

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1 before moving to Montana to complete an MS in  
2 Environmental Studies. Kiki now leads OSA's  
3 federal policy work and manages the State of  
4 Organic Seed project, where she has co-authored  
5 all three SOS reports, spanning 15 years. She  
6 lives in Missoula with her family in a very generous  
7 garden. Thank you so much for all your work, Kiki,  
8 I really look forward to your presentation.

9 MS. HUBBARD: Thanks so much, Mindee.

10 Let me share my screen here -- I'll save mine too.

11 All right. Thanks. I'll give you a second. Oh,  
12 here we go. I think I've done this enough times.

13 All right. Can everyone see it okay?

14 Thank you again, Mindee, for the  
15 introduction. And I feel really honored to be a  
16 part of a meeting to share findings from our State  
17 of Organic Seed report. So thanks to the National  
18 Organic Program and the NOSB for inviting Organic  
19 Seed Alliance to be on the spring agenda. We don't  
20 have a lot of time today so I'm going to jump right  
21 into it.

22 But first I just want to share that,

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1 for those of you who aren't familiar with Organic  
2 Seed Alliance, we are a mission driven organization  
3 that works nationally to ensure that growers have  
4 access to the organic seed they need to be  
5 successful. And we do this through research,  
6 education, and advocacy. I want to quickly also  
7 mention that my co-worker, Jared Zystro, who is  
8 also a co-author at State of Organic Seed is joining  
9 us today and available to answer questions in the  
10 chat and provide other information during my  
11 presentation. So shout out and thanks to Jared  
12 for joining us today. Oops. Excuse me.

13 So State of Organic Seed is how Organic  
14 Seed Alliance monitors the status of organic seed  
15 systems in the United States. And by status, I  
16 mean everything from how much organic seed organic  
17 growers are using, to barriers to sourcing organic  
18 seed, as well as how the organic seed regulation  
19 is being enforced, and how many public resource  
20 dollars are going toward much needed organic plant  
21 breeding and other organic seed research  
22 initiatives.

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1           So every five years, we release this  
2 progress report to answer these and many other  
3 questions to help us understand these trends. And  
4 to also publish recommendations that serve as an  
5 action plan for increasing the organic seed supply,  
6 while also fostering seed-growing networks, and  
7 policies that aim to decentralize ownership in our  
8 seed systems. We know that the dominant  
9 conventional seed trade, which is highly  
10 consolidated and privatized, is not providing the  
11 seed that organic growers need to be successful.

12       And we also know that the benefits of expanding  
13 organic seed, both in the field and marketplace,  
14 go well beyond simply helping organic producers  
15 meet a regulatory requirement.

16           We believe strongly that the other  
17 benefits include ensuring that organic growers  
18 have access to organically bred varieties that are  
19 especially well adapted to organic production  
20 systems and practices, and that are resilient in  
21 the face of our changing climate. We know that  
22 this will help organic growers be more successful

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1       when they have plant genetics that are best suited  
2       to their operation. We also know that the benefits  
3       of expanding certified organic production allows  
4       to enjoy the broader benefits of simply expanding  
5       organic agriculture more broadly, including having  
6       fewer synthetic chemical inputs on our food and  
7       in our landscape, thus benefiting the environment  
8       and human health as well.

9               Our most recent report is our third  
10       update. We now have 15 years worth of data to help  
11       us understand organic seed trends. Again, trends  
12       in organic seed sourcing, organic research  
13       investments, and much more. And our most recent  
14       report includes more data than we have ever  
15       collected before. And I'll give you a snapshot  
16       of some of these methods and the data that we  
17       collected in order to put together our findings  
18       and recommendations.

19               First we conducted a national survey  
20       of organic producers in partnership with Organic  
21       Farming Research Foundation. And these findings  
22       informed OFRF's national organic research agenda

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1       which I strongly encourage you to check out. And  
2       then the seed related questions informed our State  
3       of Organic Seed report. We also conducted an  
4       in-depth survey of organic seed producers, as well  
5       as organic seed companies to better understand  
6       their challenges in organic seed production,  
7       including how to scale up their production. And  
8       we surveyed organic plant breeders in research,  
9       as well, to better understand their successes in  
10      their research programs as well as ongoing needs  
11      and challenges. We surveyed organic certifiers  
12      to better understand how they're enforcing the  
13      organic seed regulation and what tools and  
14      resources they needed to support their role as  
15      certifiers.

16               Some of the seed producers and  
17      companies that responded to our survey agreed to  
18      an in-depth interview with our team. We also  
19      compiled, as we do every five years, a database  
20      of public research investments going to organic  
21      plant breeding and other organic seed research.

22      And then, finally, we pulled from our friends at

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1 Organic Farming Research Foundation again, poll  
2 data from 16 focus groups that they hosted across  
3 the country that included more than 100 organic  
4 producers. So we have a lot of data.

5 What did we find? I'm going to start  
6 by giving you a few findings from our organic  
7 producers survey. Unfortunately, one of our main  
8 findings is that most organic producers still use  
9 nonorganic seed for at least part, if not all of  
10 their operation. As you see here in this graph,  
11 the percentage of producers using only organic  
12 seed, so 100 percent organic seed on their  
13 operation has remained stagnant since we started  
14 collecting this data, again, 15 years ago.

15 By crop type we see that organic seed  
16 sourcing has also remained generally stagnant  
17 across field crops, cover crops, and forage crops.

18 Here you're looking at the percent of field crop  
19 acreage planted to organic seed. We actually saw  
20 a decrease in acreage planted to organic seed among  
21 field crop growers. The next graph here shows  
22 essentially, again, stagnation in forage crop

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1        acreage planted to organic seed. And this last  
2        graph shows a similar trend in cover crop acreage.

3                    Now one bright spot is that we found  
4        that vegetable producers who grow fewer than 50  
5        acres reported using more organic seed. So this  
6        was definitely, again, a bright spot in our data,  
7        an improvement in organic seed sourcing. And if  
8        you look at this graph, again, this represents  
9        vegetable acreage only, you also see that as  
10       acreage increases, organic seed usage decreases.

11       And this is very much in line with our 2016  
12       findings. And it's important because we see that  
13       the largest producers are still using relatively  
14       little organic seed. And of course, this has a  
15       big impact on overall organic acreage planted to  
16       organic seed.

17                    We also found that fewer producers  
18       report that their certifiers are encouraging that  
19       they take extra measures to source organic seed,  
20       such as going beyond free seed catalogs, conducting  
21       variety trials, or at times even contracting  
22       organic seed production ahead of the planting

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1 season. What we found is a market decrease in  
2 organic producers reporting that their certifier's  
3 requesting that they take greater steps to source  
4 organic seed.

5 When we first published State of  
6 Organic Seed in 2011, more than 60 percent of  
7 organic producers reported that their certifiers  
8 made these requests. Our most recent findings  
9 show that 35 percent of organic producers report  
10 that these requests are being made. And this is  
11 important because if we look at our data even more  
12 closely, we see that for those producers who report  
13 that their certifies request that they take extra  
14 steps to source organic seed, they respond  
15 accordingly, and report that they increased their  
16 organic seed sourcing. And this was true across  
17 crop types.

18 Not surprisingly, variety  
19 unavailability remains the top reason for not  
20 sourcing organic seed. More than 60 percent of  
21 respondents reported this as a significant factor.

22 We saw an increase this time around in our data

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1 in producers reporting that a processor or buyer  
2 requirement served as a significant factor in not  
3 sourcing organic seed. This time, we saw 30  
4 percent of organic producers responding to our  
5 survey saying that this was a significant factor.

6 We also found that fewer organic  
7 producers are saving and/or producing organic seed  
8 on their farm. In our last report more than 40  
9 percent of producers were conducting these  
10 practices and this decreased to 25 percent of  
11 respondents who say that they're either saving or  
12 producing seed on their farm. We're encouraged  
13 that 40 percent of organic producers responding,  
14 say that they're interested in producing organic  
15 seed commercially. And this is important when we  
16 look at the fact that we need to grow the organic  
17 seed supply, we need to expand organic seed  
18 production here in the United States, and we need  
19 more skilled organic seed producers. So with  
20 training and adequate support, we hope that some  
21 of these producers within that 40 percent category  
22 can integrate organic seed production into their

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1 operations, and in so doing expand the diversity  
2 of organic seed available and help fulfill organic  
3 seed supply gaps.

4 Much like we saw in 2016, organic  
5 producers understand that organic seed is  
6 important to organic integrity. Specifically,  
7 the vast majority of respondents believe that  
8 organic seed is important to the integrity of  
9 organic food, and that varieties bred for organic  
10 production will support their success, and that  
11 of the broader organic seed industry. Again, this  
12 was very much in line with our last report.

13 I'm going to shift over to our certifier  
14 survey and give you a snapshot of these findings  
15 as well. In 2020, we conducted a survey of  
16 accredited certified agencies and 22 of them  
17 responded. Collectively, we estimate that these  
18 certifiers represent more than 80 percent of  
19 certified organic farms in the United States. A  
20 few findings here include that only 16 percent of  
21 certifiers believe that organic producers are  
22 going beyond free catalogs or sources to find

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1 organic seed. In the words of one certifier, they  
2 said, We need to constantly reinforce that the  
3 grower needs to do more work to locate or trial  
4 organic seed.

5 We also found that more than half the  
6 certifiers responding would like to see more  
7 certifier and inspector trainings, that it would  
8 be useful to their efforts. Eighty percent would  
9 like to see more educational materials and outreach  
10 to organic producers, especially in the way of  
11 organic seed availability. Eighty-four percent  
12 said that access to organic variety trial data is  
13 useful.

14 I want to point out here that a number  
15 of certifiers identified the need for a  
16 comprehensive organic seed database. A number of  
17 these certifiers noted this in the comments of the  
18 survey without really even being prompted, and this  
19 stood out to us as an ongoing need for the organic  
20 community. We also found that our certifier  
21 surveyed data backed up a trend that we saw -- or  
22 a finding, I should say, from our organic producer

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1 survey, where certifiers also reported that they  
2 perceived processor and buyer agreements with  
3 contracted organic growers to increasingly be  
4 serving as a barrier to sourcing organic seed.

5 I'm not going to go too deep unto our  
6 research investment data. Again, we collected a  
7 ton of data on public investments going toward  
8 organic plant breeding and other organic seed  
9 initiatives. We totaled these investments over  
10 the last five years alone to be about \$40 million,  
11 which is very exciting. This is the largest  
12 investment we've seen that we've documented over  
13 a five-year span. Much of this funding, not  
14 surprisingly, is coming from USDA's Organic  
15 Research and Extension Initiative's competitive  
16 grant program, the OREI program. We are enjoying  
17 more dollars in that program thanks to the last  
18 farm bill.

19 I also want to take this moment to  
20 acknowledge that the State of Organic Seed report  
21 would not have been possible without the support  
22 of an OREI grant that was awarded to both Organic

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1 Farming Research Foundation and Organic Seed  
2 Alliance, so that we collect this data and publish  
3 our respective reports. So I'm excited that Mat  
4 is here with us today from USDA, NIFA, and I just  
5 want to thank NIFA for -- publicly for the support.

6 Again, the SOS report would not have been possible  
7 without this competitive grant program.

8 This report also wouldn't have been  
9 possible without the support of -- well, let me  
10 say this way. We were able to go well beyond the  
11 scope of our previous reports and collect much more  
12 data because of the support of a SARE grant as well,  
13 which was awarded to a PhD candidate, Liza Wood  
14 at UC Davis who is also a co-author this report.

15 And I'm sharing this to not only publicly  
16 acknowledge the importance of the support, but also  
17 to underscore how important these competitive  
18 grant programs that fund organic research truly  
19 is to supporting the ongoing growth and success  
20 of organic seed systems here in the US.

21 This data, along with data from a number  
22 of our surveys, are available for the first time

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1 to the public through an interactive website.  
2 Jared, maybe you could pop that link into the chat  
3 box. You can search our specific surveys by  
4 region, by crop type, and a number of other  
5 categories. And we're really excited to be able  
6 to make this wealth of knowledge, this wealth of  
7 data much more accessible and searchable to the  
8 organic community this time around. So please  
9 check it out.

10 So here's the takeaway. We are  
11 thrilled to be celebrating the 20th anniversary  
12 of the National Organic Program. In the last two  
13 decades we have seen tremendous growth in the  
14 organic seed supply. We've seen increases in  
15 organic plant breeding and research funding.  
16 We've seen more resources and trainings to support  
17 organic certifiers in their role in enforcing the  
18 organic seed requirement. We've also seen a  
19 growing understanding, especially among organic  
20 producers themselves, an understanding of why  
21 organic seed is important, especially to the  
22 integrity of the organic label.

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1           And yet our data over the course of  
2 these years also shows no meaningful improvement  
3 in organic seed sourcing in the absence of  
4 regulatory changes. So I'm going to quickly wrap  
5 up by just highlighting a few recommendations as  
6 they pertain to regulators and certifiers. Not  
7 much is changing on its own as organic certifier's  
8 shared in our survey. So there may need to be a  
9 change in the regulations to move the issue  
10 forward. And we couldn't agree more.

11           I was very happy to hear Dr. Tucker  
12 share yesterday that the NOP will be re-evaluating  
13 organic seed as a rule making priority given the  
14 outpouring of public support to make it a priority.

15           I think this really underscores that the organic  
16 community understands well that organic begins  
17 with the foundation of organic seed. So this is  
18 a top priority for us, that the organic seed  
19 regulations should be strengthened per the 2018  
20 NOSB recommendation. We also strongly support the  
21 2019 recommendation from the NOSB to strengthen  
22 the organic seed guidance document.

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1           And as our data showed we believe it's  
2           time for the NOSB and NOP to revisit and perhaps  
3           get creative on ways to hold organic buyers and  
4           processors more accountable to the organic seed  
5           regulation. We know this is more difficult for  
6           buyers and processors who aren't certified organic  
7           handlers. But many of these contracted buyers  
8           have their hands tied, and we need to ensure that  
9           buyers and processors are part of the solution to  
10          increasing organic seed usage across the board.

11          And finally, as I mentioned, a  
12          comprehensive organic seed database is still  
13          desperately wanted and needed. And finally,  
14          ongoing investments in certifier, inspector, and  
15          producer trainings, as well as outreach would also,  
16          of course, support more consistent enforcement of  
17          the organic seed regulation and support increased  
18          sourcing of organic seed. We were thrilled to  
19          support the development of the NOP's course on  
20          organic seed searches for the Integrity Learning  
21          Center, the ACA, the Accredited Certifiers  
22          Association as -- create best practices. And

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1 we're trying to do our part by developing resources  
2 to help organic growers conduct organic variety  
3 trials and meet that organic seed regulation.

4 So with that, I'm going to open it up  
5 for questions. Thank you so much.

6 MR. POWELL-PALM: Thank you so much for  
7 your presentation, Kiki, and your taking the time  
8 to be with us today.

9 We have a question from Javier.

10 MR. ZAMORA: Hi, Kiki. Thank you.  
11 Thank you so much for such a beautiful  
12 presentation, and very informative. Something  
13 that I dearly know because I live it every year.

14 I mean, every time my certifier shows up and says,  
15 how do you go about searching for new organic seeds?

16 And I always say, you know, three, four companies  
17 that I go with because -- but they don't -- because  
18 they -- that's what I have around.

19 And you mentioned a bunch of things that  
20 are really, really serious issue in the organic  
21 community. Number one, you said that the last 15  
22 years the usage of organic seed has stayed level,

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1 but the amount producers that are growing organic  
2 food has increased -- I don't know how many times.

3 So we have to think of numbers, numbers. Now,  
4 you said that there were -- that \$40 million were  
5 invested in research for seed -- to produce organic  
6 seeds. What seeds are we -- is that a research  
7 going to?

8 Because organic producers, we have a  
9 really difficult issue finding organic seeds. And  
10 I can count with my fingers for a little larger  
11 scale -- I'm a mid-size grower, that I can find  
12 seeds in the amount that I need. Every single year  
13 I have issues. Last year it was green beans, and  
14 winter squash, we didn't have any. The year before  
15 was also, I guess it was delicata. But anyway,  
16 so I really believe that, yes, this Board needs  
17 to look into that just because the amount of organic  
18 crops has grown exponentially, but the amount of  
19 seed doesn't reflect that. Thank you.

20 MS. HUBBARD: Yes, Javier. Just  
21 quickly answer one of your questions. Of the  
22 research investments that we documented, that

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1       about 40 million, about 80 percent of those  
2       investments are going toward projects focused on  
3       organic plant breeding and/or organic variety  
4       trials. So helping to collect data -- performance  
5       data on how organic varieties perform against  
6       conventional or equivalent varieties is one  
7       example.

8                   In terms of understanding how much  
9       organic seed is out there, we know that you organic  
10      seed supply has grown since the program was  
11      implemented 20 years ago, simply by looking at the  
12      number of organic seed suppliers and the organic  
13      seed offerings, based on the data we collect from  
14      organic producers' perspectives, as well as  
15      organic certifiers' perspectives on how the  
16      marketplace has changed. But we desperately need  
17      a comprehensive listing of certified organic seed  
18      that's available and that's out there. We don't  
19      have that, and that will continue to be a barrier,  
20      I think, to making quicker progress on growing  
21      organic seed systems generally.

22                   MR.    POWELL-PALM:        Logan    has    a

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1 question.

2 MS. PETREY: Thank you. Thank you,  
3 Kiki, for the presentation. And so this really  
4 isn't supposed to be a reason, you know, to look  
5 or not look for organic seed, but the financials  
6 of organic seed, I think, is important for farmers.  
7 And maybe the incentive of looking even harder  
8 and searching harder and all that, is that looked  
9 at in the research of, you know, at least trying  
10 to level that playing field. I mean, it obviously,  
11 is going to cost more, you know, to produce organic  
12 seed with potentially lower yields, you know. So  
13 I would imagine it is going to be a hurdle on that.

14 But I can imagine that for farmers, you  
15 know, if they do the following procedures their  
16 -- the incentive is, you know, stop there, than  
17 going after just so they can pay more for  
18 potentially a lesser producing variety or  
19 something. So, you know, in the grand scheme of  
20 things, it really can affect the farmer, looking  
21 at that side.

22 MS. HUBBARD: It absolute can, Logan.

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1       Thanks for your question.  And of course, organic  
2       seed isn't always lower yielding, you know, as  
3       conventional seed, as I think you implied, which  
4       is one of the reasons why this -- these research  
5       investments are so important in terms of  
6       performance data and breeding to adapt these crop  
7       genetics to organic farming systems.  In our 2016  
8       report we did provide a snapshot of the price  
9       differences between conventional and organic seed.  
10      It widely varied.  It was far from consistent.

11                We know that it's more costly to produce  
12      organic seed.  And this is -- well, let me also  
13      say that we do ask about price being a factor in  
14      our survey of organic farmers, even though it's  
15      not an allowable reason, as we know.  My  
16      understanding, and Jared correct me if you want  
17      to in the chat box, is that this is less of a factor  
18      than it used to be -- the price of seed.  And as  
19      we expand our capacity of organic seed production  
20      and offerings, I do believe that price point will  
21      come down

22                One challenge, of course, in growing

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1 the organic seed supply is that these organic  
2 suppliers, these companies who at times have their  
3 own organic plant breeding programs, they are  
4 taking a financial risk to produce a product that  
5 isn't required fully to be used, given the non --  
6 given the exemption to use nonorganic seed. And  
7 unfortunately what we're seeing as we document a  
8 lack of progress in organic seed sourcing among  
9 organic producers, is that we're actually seeing  
10 some of these organic plant breeding and seed  
11 production programs closing. Because it's no  
12 longer financially feasible for them to continue  
13 to take that risk. And they are losing hope that  
14 there will be changes in organic seed usage among  
15 organic growers.

16 And so we are in -- we're at a critical  
17 juncture, in my view, to make sure that we are  
18 moving a number of solutions forward  
19 simultaneously. And again, as I said before, I  
20 think mandating continuous improvement in the form  
21 of regulation will go a long way to provide  
22 confidence to the organic seed production

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1 companies that we're committed as a community to  
2 supporting organic growers and enforcing the  
3 organic seed requirement.

4 MS. PETREY: Thank you. And when I was  
5 stating yield, I didn't mean that a -- on the  
6 farmer's side, I meant on the seed person's side.  
7 I can imagine that there's barriers producing that  
8 yield the same as conventional seed yield methods.

9 MS. HUBBARD: Yes. Actually I want to  
10 respond to that just quickly, in that only 5 percent  
11 of these research dollars have gone toward research  
12 projects that support our understanding organic  
13 seed production, meaning addressing challenges  
14 organic seed producers face in being successful  
15 with those seed crops. And so our in-depth survey  
16 this time around will hopefully inform future  
17 competitive grant programs in this regard.  
18 Because we are doing a pretty darn good job of  
19 funding organic plant breeding projects. Of  
20 course, there's more interest than we have money  
21 for even those projects. But we really need to  
22 turn more attention toward the needs of organic

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1 seed producers because they face a number of  
2 challenges, both production challenges, as well  
3 as non-production challenges, that could certainly  
4 be addressed through research.

5 MS. PETREY: Thank you.

6 MS. HUBBARD: Yes.

7 MR. POWELL-PALM: Wood has a question  
8 for you?

9 MR. TURNER: Great presentation, Kiki.  
10 Thanks so much for being with us today. You know,  
11 every slide you presented, I felt like, boy, I wish  
12 we had more time because every slide I sort of have  
13 a root cause question, like, why is that, why is  
14 that. Like, there's five whys every time I saw  
15 one of your slides. And so I want to ask you all  
16 those questions if we can have a different  
17 conversation another time.

18 But I'm curious about whether any of  
19 the research is going into what I would say is sort  
20 of capacity building in the grower community. I'm  
21 really surprised that there's not more seed saving  
22 happening in -- among our organic growers. And

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1 it goes a little bit to Logan's question -- I'm  
2 so bold, it may be unrelated in her mind, but I  
3 -- to me the cost to growers to buy seed year over  
4 year would sort of -- well, to me would suggest  
5 that there's a better investment to be made on the  
6 growers' side and really understanding how to  
7 collect seed, how to manage seed, how to deal with  
8 that kind of continued propagation.

9 And maybe I'm just completely out in  
10 left field on his question, but I'm curious. I  
11 was surprised -- I'm surprised to think that we're  
12 still functioning in -- we have to function in an  
13 expensive market for growers for seed. And if  
14 that's part of the problem versus better management  
15 of seed and building capacity, even for small --  
16 smaller growers even to understand how to collect  
17 seed and manage seed and sort of keep it in  
18 circulation. So I'm wondering if you could speak  
19 to that at all?

20 MS. HUBBARD: Yes. That's great  
21 question, Wood, and it's a nice follow up from my  
22 previous answer where the challenges reported by

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1 organic seed producers -- these are also producers  
2 who have their own small to mid-scale enterprises  
3 of their own, seed companies, and capacity rose  
4 to the top. I mean, many of these producers want  
5 to scale up but they don't have the capital or  
6 appropriate equipment. They don't have data on  
7 what the yields will be for particular seed crops  
8 so that they can plan accordingly, economically.

9 Organic Seed Alliance has done a number  
10 of trainings and provided a number of resources  
11 to support these growers in a number of ways, but  
12 we need an influx of investments, in my view, to  
13 build the capacity that you just articulated.  
14 It's desired, it's needed, and we have so far only  
15 essentially supported that capacity building  
16 through smaller grants, which truly have been  
17 helpful. In fact, at times those smaller grants  
18 are what a lot of these seed producers want and  
19 need simply to purchase a piece of equipment to  
20 help them clean their seed. So I don't know if  
21 that's a adequate answer, but there -- this is  
22 discussed more fully in the report, so I encourage

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1 you to check it out.

2 MR. POWELL-PALM: Please go ahead,  
3 Amy.

4 MS. BRUCH: Yes. Sure. Thank you,  
5 Nate.

6 Kiki, thank you so much for your  
7 presentation. I just wanted to let you know. I  
8 actually I'm an organic seed producer and I'd love  
9 to have some additional conversations with you.  
10 But I grow seedcorn, and how that worked is, I  
11 just had a lot of conversations with some of the  
12 seedcorn companies and said, hey, I have an ability  
13 to produce organic seedcorn for you. So it is a  
14 lot more management, however -- and I think that's  
15 the conversation farmers really need to have, is  
16 there needs to be an agreement in terms of  
17 contractual, to minimize some of the risks that  
18 a farmer takes on to produce these seeds, and really  
19 have that negotiation take place.

20 But as a farmer point of view, it's an  
21 additional revenue stream that's a little bit more  
22 insulated, and can be more insulated, than the

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1 normal production outlets that we have for our  
2 crop. So it really can be a win-win, but it does  
3 kind of start with a conversation. And corn is  
4 different because that needs to be cross  
5 pollinated, female and male seeds need to be  
6 planted. However, some of the other crops that  
7 really Wood was indicating, you know, saving seed,  
8 we're doing this in the Midwest. Organic  
9 producers are doing it more informally just because  
10 I do believe that price is a problem.

11 I mean, you might not think the retail  
12 price looks too much different than the  
13 conventional price. However, when you look at  
14 something that could be re-used again, let's take,  
15 for instance, wheat or oats, the value of those  
16 products when we take them to market are pretty  
17 low compared to what I would need to turn around  
18 and buy them on the shelf for seed. We're talking  
19 maybe four, five, six times different. So that  
20 price is crazy because it's kind of like the saying  
21 that farmers, you know, they purchase retail and  
22 sell in wholesale and pay the freight both ways.

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1           You know, there's an opportunity really  
2 here for a farmer to have some additional revenue  
3 streams to really optimize their input cost just  
4 by, you know, internalizing some of the cleaning.

5       The cleaning should not add four to five times  
6 extra on these seeds that are just being re-run  
7 by industry. So I really think this is a huge  
8 opportunity and I do think it starts with industry  
9 first. Us farmers, we're raring to go to be able  
10 to circulate more seeds in this environment for  
11 our fellow farmers.

12           MS. HUBBARD: Thanks for sharing that,  
13 Amy. I would love to chat with you again at another  
14 time, but bravo for being engaged in organic  
15 seedcorn production. I agree that it can help the  
16 price point and can provide that added income to  
17 especially diversified operations. We recently  
18 published an economic tool kit for seed producers  
19 if anyone's interested in learning more about the  
20 economics of seed production and how that might  
21 work on your farm. So I'll just slide back  
22 quickly. Thank you.

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1 MS. BRUCH: Thank you, Kiki.

2 MR. POWELL-PALM: Thank you, Amy.

3 Allison, please go ahead.

4 MS. JOHNSON: Thank you so much, Kiki,  
5 and for the additional information in the chat too.

6 This is such a service to the sector and it is  
7 really helpful for making our discussion more  
8 concrete, I think. The piece that I found most  
9 surprising is that buyers are playing such a big  
10 role in driving seed decisions, and as we're  
11 talking here my wheels are spinning around,  
12 consolidation in seed and inputs and now, like,  
13 how do buyers fit into that? So I'm curious if  
14 you have any more information about who or what  
15 types of buyers are setting these requirements for  
16 producers. And, you know, the most nefarious  
17 scenario that comes to mind is a buyer knowing that  
18 a variety is produced only conventionally and could  
19 never be found organically, and selecting it for  
20 that reason to keep costs down, or because of some  
21 sort of relationship with a supplier of seed and  
22 inputs. So I'm curious if you have any more kind

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1 of granularity or information to shed on that  
2 piece.

3 MS. HUBBARD: A great question. Thank  
4 you so much, Allison. We don't collect names of  
5 buyers or processors. I'll say that first and  
6 foremost. My understanding is that -- how this  
7 works, is that the buyer or processor is dictating  
8 that a variety be sourced. And too often that  
9 variety isn't available in a certified organic  
10 form. And oftentimes quantity is an issue because  
11 it's often these larger scale producers who are  
12 under contract with these buyers. And other times  
13 they are providing the seed directly to their  
14 growers.

15 Now, I believe that there could  
16 generally just not be an appropriate variety  
17 available in a certified organic form. However,  
18 the process shouldn't start -- stop there. There  
19 is an opportunity for these companies, for these  
20 buyers and processors, to contract organic seed  
21 production well in advance of planting season, and  
22 contract that directly with organic seed producing

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1 companies that can offer that variety in a  
2 certified organic form, or can demonstrate an  
3 equivalent variety that will do just as well, if  
4 not better. And so, yes, I just want to underscore  
5 your question on this point that I think this is  
6 a real opportunity for making more progress in  
7 increasing the amount of organic seed that is  
8 planted to organic acres. I hope that's helpful.

9 MS. JOHNSON: Yes. Thank you.

10 MR. POWELL-PALM: Thank you for the  
11 question, Allison.

12 Kyla, please go ahead.

13 MS. SMITH: Kiki, thank you for the  
14 presentation. I know we've -- oh, sorry. I want  
15 to put my hand down, and then I put it back up.

16 I know we've talked seed many times over  
17 the years. So again, I appreciate the continuing  
18 conversation. I have a couple of questions and  
19 comments, so hopefully I don't go too long. But  
20 number one, I just wanted to say that the additional  
21 resources with the ACA best practices and the  
22 training session in the learning center are super

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1 helpful for certifiers. And hopefully they allow  
2 certifiers to gain more confidence in making  
3 compliance related decisions. So I -- you know,  
4 more tools is good for sure, and those I -- you  
5 know, I believe the learning center course is,  
6 like, sort of newish. So anyway, hopefully more  
7 people are watching that and find it helpful.

8 I think that for certifiers to, like  
9 -- just with the evolution of certification that  
10 sometimes we really come up with a data management  
11 and data -- like Jenny was talking about, data  
12 harmonization problem, and so a lot of this data,  
13 like, lives in, like, paper OSPs. And, like, over  
14 the years, like, we are -- certifiers are, like,  
15 getting more into technology and databases where,  
16 like, we will be better equipped to track seed usage  
17 over time. So I know that, like, that's been a  
18 struggle that PCO has had is, like, oh, we want  
19 all this data, and certifiers have all this data,  
20 and it's just a matter of getting it off of paper  
21 and into something else that is recordable, and  
22 trackable, and something that we can monitor. And

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1 it's not something that is not possible, it's just,  
2 you know, it takes time.

3 Sorry. These are just some comments.

4 I promise I have some questions.

5 You mentioned that about really wanting  
6 a -- or a, you know, people are talking about a  
7 comprehensive list of seed -- certified organic  
8 seed. And so I'm wondering that, you know, we have  
9 the Organic Integrity Database, and so it doesn't  
10 seem like that's currently an effective tool. But  
11 could it be, like, is there -- does it just need  
12 to be updated more frequently, or is there -- is  
13 it -- is there stuff -- is there a certain data  
14 that's missing from there that doesn't make it  
15 effective? Could that be a place where we could  
16 capture organic seed?

17 MS. HUBBARD: You're talking about the  
18 Organic Integrity -- like, the USDA's, right?

19 MS. SMITH: Yes.

20 MS. HUBBARD: Get it. So would that  
21 database provide, though, specific varieties that  
22 are available? Are you thinking about the fact

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1 just that it documents organic seed producers?  
2 I guess I'm a little confused as to what you  
3 perceive it to already provide to certifiers.

4 MS. SMITH: Yes. I mean, it does list  
5 certified organic operations and the products, or  
6 crops that they produce. And so if someone is  
7 producing, you know, Amy produces seedcorn, right?  
8 So, like, on her products list it should say  
9 seedcorn. I don't know. I think it's -- I think  
10 this is part of something where maybe there is some  
11 additional, you know, data harmonization, in that  
12 certifiers don't all use taxonomies in the same  
13 way. And so maybe -- anyway. And so I don't know.  
14 Maybe it's not an effective place, but maybe it  
15 could be if we included varieties, for example,  
16 or, you know, things like that.

17 MS. HUBBARD: Absolutely. There's  
18 certainly potential for that, Kyla. And now, you  
19 know, you're getting my brain churning here. I'll  
20 first say that there could be improvements in the  
21 documentation of seed crops. There could be  
22 changes in that regard that would help out

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1 organizations like ours in collecting data to begin  
2 with. It was difficult to know, when we did an  
3 organic seed producer survey, who really was a seed  
4 producer. So I'm just going to, like, name that  
5 and put it on the shelf over there.

6 But certainly, if there's an  
7 opportunity to collaborate with the Program on  
8 providing some type of a list using existing data  
9 and then expanding off of it, I think that would  
10 be huge. And maybe that's one next step that's  
11 worth exploring. Unfortunately, the current  
12 listing databases that exist have not proven to  
13 be reliable in the way of consistently being  
14 updated, and we need a reliable tool. And so I'll  
15 just stop there and say, I would love to explore  
16 that.

17 MS. SMITH: I mean, I think that that  
18 will be an ongoing and continued problem with OID  
19 as well. And I know that, like, you know, that  
20 is something that the Program is constantly, like,  
21 working on with certifiers is more data reporting.

22 And I understand that there will be some

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1 additional requirements when SOE comes out. So  
2 maybe this will exert towards, you know, more  
3 frequent updating.

4 I have one more question if that's okay,  
5 Nate.

6 MR. POWELL-PALM: Please go ahead.  
7 Yes.

8 MS. SMITH: My other question is, in  
9 the learning center course, there was a suggestion  
10 where -- because oftentimes, you know, a grower  
11 will -- our experience will be, that a grower will  
12 be, like, I requested organic seed, and then it  
13 showed up and it wasn't organic, right? And so  
14 there was, like, the suggestion, well just, like,  
15 order earlier. But if everybody just orders  
16 earlier then someone's going to be left without  
17 organic seed, right? And so I don't know if it's  
18 just, like, better communication or something  
19 between the seed supplier to be like, hey, we don't  
20 have that, like, look elsewhere, so that they know  
21 earlier on. So maybe it's, like, earlier on plus  
22 better communication or something. I don't know.

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1 I'm just -- was trying to, like, follow that, like,  
2 thread when I watched that course. And I was  
3 having trouble about, like, well, I don't know if  
4 that's effective all the time.

5 MS. HUBBARD: Yes. I agree with you  
6 -- with what you just said. To that point though,  
7 I think we could find some ways to create feedback  
8 loops so that organic companies and organic  
9 producers more broadly, know what the organic seed  
10 supply gaps are. And you know, create a system,  
11 again, for -- to improve that communication and  
12 identify the needs. We hear from organic seed  
13 companies who say, hey, should we just send our  
14 list to the certifiers so they know that we're here,  
15 that we have these varieties? And so they are --  
16 and then, they also communicate, we could produce  
17 this organically but we don't know if we should.  
18 And so there is this hunger for those  
19 communication channels and for those feedback  
20 loops. So we should definitely explore those as  
21 part of the solution.

22 MS. SMITH: Yes. Send the list.

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1       Because when we issue non-compliances, we issue  
2       -- we have a guidance sheet that's like, hey, you  
3       didn't, you know, do your seed search adequately,  
4       or enough, whatever -- whatever the violation is,  
5       and we have a list that we've sort of put together  
6       of seed companies. But, you know, keeping that  
7       updated all the time is challenging, and so I do  
8       think, yes, being able to provide that out would  
9       be helpful. So, yes, send the list.

10                   MS. HUBBARD: Thanks, Kyla.

11                   MR. POWELL-PALM: Dilip, please go  
12       ahead.

13                   MR. NANDWANI: Hello, Kiki. This is  
14       Dilip. I'm a new board member, so just bear with  
15       me.

16                   MS. HUBBARD: Welcome.

17                   MR. NANDWANI: Thank you. Just a  
18       quick comment and a simple question follow-up from  
19       my fellow board members they have asked you. So  
20       first, I'd like to say that it's a nicely presented,  
21       a lot of good information in your presentation.  
22       And also I wanted to say that my students, they

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1 have attended your OSA conferences since 2015 from  
2 Tennessee State University if you recall it in 2016  
3 and '17.

4 MS. HUBBARD: Great.

5 MR. NANDWANI: Okay. So my quick  
6 comment is that, you know, correct me if I'm wrong,  
7 the organic seeds availability since 2001 -- I  
8 believe that organic seeds rule came in 2002 or  
9 around that time. And from that, almost 20 -- a  
10 little bit over 20 years, I would say at least 20  
11 years, organic seed wealth has come long way.  
12 Because at that time there were barely any organic  
13 seeds were available and maybe not at all, or maybe  
14 fewer crops. And in 20 years we have organic seeds  
15 in, I don't know exactly, but a lot of, like,  
16 vegetables, fruits, and medicinals, and almost all  
17 crops -- if I say correctly, but there is still  
18 a lot work needs to be done. But in 20 years OSA  
19 and other organic seed companies and researchers  
20 the work they have done, I really like to applaud  
21 that. The organic producers, they are in much,  
22 much good shape now and better place. That's just

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1 my initial comment.

2 My fairly simple question like Wood and  
3 Amy, they asked you about the seed saving, you know  
4 -- the issue. So my question is that if -- or you  
5 or maybe other, they may have answers for this  
6 question. The organic seeds if they plant -- or  
7 our producers, if they plant and to save seeds;  
8 the next generation seeds, do you think will  
9 produce the same results, like, in terms of yield,  
10 vigor, growth, or maybe resistance to insect pests  
11 and diseases because these seeds are hybrid or open  
12 pollinated? So I don't know if you have done any  
13 research, any reports you have, or from any other  
14 seed companies, or anyone has done, you know. So  
15 that's all. Thank you.

16 MS. HUBBARD: Yes. I mean, maybe as  
17 you were starting to say, Dilip, if it's a hybrid,  
18 probably not. It's not going to grow true to type  
19 again, unless it's open pollinated. There -- so  
20 that's my quick answer. And Jared, our cagey plant  
21 breeder can weigh into in the chat box. I -- it's  
22 important to note though, as you you probably know,

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1 growing seed takes a different knowledge base and  
2 skill set, than growing, you know, just a food crop  
3 -- an edible crop. And so we have -- there's a  
4 lot of education and training needed to support  
5 organic producers who are interested in doing more  
6 seed saving, and organic seed production because  
7 it's often not as simple as just saving that seed.

8 There's a lot of decision-making and selection  
9 that often goes into it, at least for certain crop  
10 types. And so this is an opportunity, and again,  
11 a real need.

12 I would also be remiss in not mentioning  
13 that there's also the challenge to supporting  
14 organic producers to be more independent with  
15 organic seed supply, in the way of intellectual  
16 property rights that too often restricts seed  
17 saving, or production, or even research. And so  
18 that's another challenge that organic producers  
19 face. I will quickly flag that we're going to be  
20 publishing a resource on intellectual property  
21 rights for organic seed producers and independent  
22 plant breeders later this year to help them

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1 understand the nuances of those issues and  
2 concerns, and provide more guidance so that it  
3 doesn't serve as a barrier.

4 MR. POWELL-PALM: Thank you.

5 Great question, Dilip.

6 I have a couple of questions. I'm  
7 going to try to keep it brief and then hand it back  
8 to Amy.

9 When we say organic seed production or  
10 seed development, I think there are -- there seems  
11 to be kind of two things in one bucket here. I'm  
12 an organic seed producer as well. I produce  
13 organic certified yellow pea seed, certified seed  
14 that is also certified organic, and flax seed.  
15 And it's very easy. I get conventional registered  
16 seed. I grow it out as organic. It goes into the  
17 marketplace as certified organic certified seed.

18 In looking at that, I think that seems  
19 to be something that you're sort of hinting at,  
20 Kiki, is that supporting that, just the expansion  
21 of production of certified organic certified seed  
22 is one bucket, and something that we can expand

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1       upon an offer resources to. The other side of  
2       actually developing seed under organic plant  
3       breeding methods, I guess, could you talk a little  
4       bit about the difference between those two, and  
5       where you think we should be really focusing our  
6       time and resources on advocating for, because they  
7       seem to somewhat different.

8                   MS. HUBBARD: Great articulation of  
9       the difference, Nate. Like you're saying, we need  
10      both and in between the organic plant breeding  
11      investments and taking conventional seed and  
12      producing it organically, as well as certified  
13      seed, that's where the important role of variety  
14      trials and ongoing and additional research plays  
15      in to identify which crops will do well in an  
16      organic operation under organic conditions and in  
17      what region. Sometimes you can simply find a  
18      conventional variety that immediately seems to  
19      perform just as well in organic as a conventional  
20      system. But there is growing research that shows  
21      that often times that's not the case.

22                   And so that's why that research to

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1 identify which varieties are even worth growing  
2 out under organic production systems. And if  
3 they're not optimal in organic production systems,  
4 would it be easy to select for certain traits and  
5 adapt them to those systems? What would that crop  
6 improvement project look like? What would it  
7 cost? And then the organic plant breeding  
8 projects, ideally, are not only helping us to  
9 identify which of those varieties do well under  
10 organic conditions, but also, actually doing plant  
11 breeding projects, developing new varieties that  
12 will do especially well under organic conditions.

13 So while we need them all -- we need them all and  
14 they're all important and they all fit together  
15 to some extent.

16 And yes, again, we are so thrilled to  
17 see more investments from OREI and other programs  
18 in this type of research. But we certainly need  
19 more, especially when you see how those organic  
20 research investments pale in comparison to the  
21 research investments going toward conventional  
22 agriculture research and projects that don't

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1 benefit organic producers. Oftentimes the  
2 research going toward organic production systems  
3 also benefits conventional growers. So I'll just  
4 stop there.

5 MR. POWELL-PALM: Thank you. That's  
6 really helpful, I appreciate that.

7 Amy, please go ahead.

8 MS. BRUCH: Thank you, Kiki, again.  
9 Just one question/comment. Question would be,  
10 when you are -- when these tests are being  
11 conducted, looking at organic production, on these  
12 seeds and their fit, is the condition of the soil  
13 and the -- just the balance of nutrients, is that  
14 one of the attributes that's being considered?  
15 Because I do know in a lot of conventional testing  
16 when they're doing these seed trials it's, this  
17 one performs, this one doesn't, and the rest of  
18 the story with a deficiency in the soil maybe isn't  
19 necessarily brought to light. And that, as an  
20 organic producer, I'm always trying to promote,  
21 you know, that it's our ability to grow, manage  
22 our soil, manage below ground is then what is

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1       evident above ground.  And for me in my operation,  
2       I haven't necessarily found that seed is a limiting  
3       factor to my yields.  It's -- there is this --  
4       another deficiency that I have to address.  So I  
5       was just, kind of, wondering how the testing works  
6       with just soil identification.

7                   MS. HUBBARD:  Yes.  I can't speak to  
8       all the projects in our data set on that specific  
9       point, Amy, but what I can say is that I'm familiar  
10      with a number of organic plant breeding projects  
11      that are absolutely taking into account soil  
12      quality in their research decisions -- their  
13      selection decisions, the inputs they are providing  
14      to the soil, all in order to provide that  
15      information to other researchers as well as  
16      growers.  But I guess I'll just stop there.  This  
17      is -- I just don't have a lot to go by and this  
18      isn't my wheelhouse.  But absolutely, some of  
19      these plant breeders are looking not only at soil  
20      quality, but the interactions between soil  
21      microorganisms and the plants as part of their  
22      organic plant breeding goals.  It's pretty

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1 fascinating, and I'd be happy to follow up with  
2 some specific projects if you'd like.

3 MS. BRUCH: Yes. Absolutely. Thank  
4 you.

5 MR. POWELL-PALM: Thank you, Kiki.  
6 Thank you for taking all of those questions. That  
7 was wonderful. And I think --

8 MS. HUBBARD: My pleasure.

9 MR. POWELL-PALM: As you can see, we're  
10 very interested. So many thanks today. I'm sure  
11 -- our members have your contact information, so  
12 I'm sure we'll be following up with additional  
13 questions. But thank you for taking the time and  
14 letting us run along with your time today. We  
15 appreciate it.

16 MS. HUBBARD: Thank you so much. It  
17 was truly an honor. My pleasure. Have a good  
18 meeting.

19 MR. POWELL-PALM: Thank you, and take  
20 care.

21 Next up. We have Mat with NIFA. And  
22 Carolyn, I think, is going to give an introduction.

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1 MS. DIMITRI: Yes.

2 Welcome, Mat. I will say, Dilip  
3 probably knows this, like, one of the happiest days  
4 in your life is when Mat actually picks up the phone  
5 and calls you because it means he is giving you  
6 good news. So Dr. Mat --

7 Oh, wait a minute. I'm practicing your  
8 name 100 times. I'm sorry.

9 -- Ngouajio --

10 I was doing it a lot better before I  
11 was online. Sorry.

12 -- is the National Science Liaison for  
13 Plant Systems and Organic Farming at the National  
14 Institute of Food and Agriculture, also known NIFA.

15 Prior to this position he served as the national  
16 program leader from 2013 to 2019 in the Institute  
17 of Food Production and Sustainability, where he  
18 administered competitive grant programs,  
19 including the organic transitions and the Organic  
20 Agriculture Research and Extension Initiative, the  
21 O-R-E-I, and the Agriculture and Food Research  
22 Initiative, AFRI. Prior to joining NIFA, he was

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1 professor in the Department of Horticulture at  
2 Michigan State University with a research and  
3 extension appointment. He is a fellow of the  
4 American Society for Horticultural Science and  
5 past president of the American Society for  
6 Horticultural Science. He represents NIFA  
7 primarily regarding programs related to plant  
8 systems, as well as organic farming. So in  
9 addition to all of these amazing things that Mat  
10 has done, he's also a wonderful colleague and  
11 collaborator to those of us who have been working  
12 in the field of organic research for many years.

13 So welcome, Mat. Nice to see you.

14 MR. NGOUAJIO: Thank you, Carolyn.  
15 Thank you so much.

16 And thank you, Michelle, for giving me  
17 the opportunity to present here today, and it is  
18 always a pleasure to come here and give you this  
19 update.

20 Now, like you said Caroline, I have  
21 been serving at NIFA for the last three years now  
22 since we moved to Kansas City as a national science

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1 liaison, focusing more on plant systems, but more  
2 importantly on organic farming, and that's why I  
3 am here today. So I will see if I can share my  
4 screen here with you and give you a little bit of  
5 update. Before I get to that also, I would say  
6 thanks to Kiki for an excellent presentation. I  
7 really enjoy it. And thank also for acknowledging  
8 support from NIFA for some of the work that we have  
9 gone in the area of plant breeding.

10 Okay. Before I continue here, can you  
11 see my screen? Okay. I see. Perfect.

12 So we all know that we have made a lot  
13 of progress in term of advancing organic  
14 agriculture in the whole country. However, for  
15 us to sustain that type of investment, we need  
16 enough support from both the private sector and  
17 from government. And NIFA has had -- made some  
18 of -- seen some of the gaps and stimulate some  
19 cutting edge research to address some of the  
20 critical needs of the organic industry. But I just  
21 wanted also to let you know that most of our  
22 programs here at NIFA -- and thanks to the

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1 initiative of many of you, we have include a  
2 language on organic agriculture on most of our  
3 programs. So even if the program is not specific  
4 to organic, they do actually accept organic  
5 agriculture research projects. And these include  
6 both capacity and competitive programs.

7 But on top of that, we have these two  
8 specific programs uniquely designed to address the  
9 need of the organic industry. One is the Organic  
10 Transitions that we usually refer to that as the  
11 O-R-G program, and our largest program, which is  
12 the Organic Agriculture Research and Extension  
13 Initiative, O-R-E-I. So those two programs cover  
14 all type of production systems, all the way from  
15 open fields to indoor controlled environment.  
16 They cover both animal and plant systems and they  
17 support project that will span the entire supply  
18 chain. So this is one of those very few program  
19 that would cover everything that you can think off  
20 in the area of organic agriculture.

21 So just to show those two program. The  
22 Organic Transition Program is our smallest

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1 program. This year, 2022, we are receiving \$7.5  
2 million for that program. And the focus of that  
3 is usually to address the need of those farmers  
4 that are adopting, or that are transitioning from  
5 conventional to organic production practices.  
6 It's a small program, but also the eligibility to  
7 submit proposal is limited to only colleges and  
8 universities.

9 The second program which is the largest  
10 one, OREI. This year we -- in 2022 we have 30  
11 million for that program. And the main focus there  
12 is to address the need of those people -- of those  
13 farmers in the industry that have already adopted  
14 the organic standards. And this is a very broad  
15 program. Like we always say, pretty much any  
16 citizen -- US citizen can apply for that program.  
17 So very broad eligibility.

18 And we usually ask, you know, what are  
19 the priorities of those two programs, and how do  
20 you separate the two of them? And as you can see  
21 on this graph, the two program kind of overlap  
22 significantly when it comes to issues like

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1 production efficiency, when it comes to  
2 profitability, and to competitiveness of the  
3 organic industry. Those two -- we'll be  
4 addressing those key issues. However, to make  
5 sure that those two program are separate enough,  
6 again, for Congress to continue to give us support  
7 for those two, rather than just killing one and  
8 keeping one, we try to keep some of the priorities  
9 really separate.

10 For OREI we are focusing here on studies  
11 that focus on on-farm. A lot of emphasis on OREI  
12 is on on-farm studies. That is also where we are  
13 funding anything related to educational tools, all  
14 the post-harvest, most of the research on seed and  
15 breeding, IPM. We also include a curriculum  
16 development since the 2014 Farm Bill in this  
17 specific program.

18 On the other side, when we looked at  
19 the ORG, we tend to focus more on aspect like  
20 ecosystems services, you know, on soil quality,  
21 pollinator biodiversity, carbon sequestration,  
22 and all the work on modeling to better understand

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1 the impact of organic production systems, we also  
2 tend to fund those through the Organic Transitions.

3 And whenever we have any new National Organic  
4 Program priorities, lets say a case like  
5 antibiotics that were discontinued, or research  
6 on things like methionine, we tend to also put those  
7 in the organic transitions priorities. And if you  
8 look at our Request For Application, RFAs, you will  
9 see more details there. And this is again, the  
10 type project that we fund with those two program.

11 For OREI, that's the biggest program,  
12 we have three different types of integrated  
13 projects. Integrated project are those that  
14 include research as a requirement, plus education,  
15 or extension, or all three component. That's why  
16 we call integrated project. We have the Tier 1  
17 project that can fund, you know, proposal up the  
18 \$3 million a piece. The Tier 2 can fund up to 1.5,  
19 and Tier 3 project is up to 750,000. And we design  
20 all those different type based on input from our  
21 stakeholders. You know, they wanted to see  
22 smaller project for some of the institution that

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1       were not very competitive.       Because when  
2       everything was just one type of project, the most  
3       competitive institution tend to be the only one  
4       that were really successful.

5               We are -- since 2014, like I said, we  
6       have also included a proposal type called  
7       curriculum development because the industry also  
8       told us that they wanted to see more education,  
9       more students involved in organic agriculture.  
10      And we have been very successful but not to the  
11      point that we are happy.   We would like to see more  
12      proposals submitted under that category to develop  
13      more new programs, certificate programs, or degree  
14      programs, focusing on organic agriculture.   And  
15      this is one of the few program within NIFA where  
16      we continue to fund conference proposal, but more  
17      importantly, planning grants.

18             So a conference like this one or any  
19      other conference where people want to get together  
20      to talk about organic agriculture, design  
21      priorities, or share information with the  
22      industry, we can fund up to 50,000 which is pretty

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1 good. And also, people can get together to start  
2 thinking about new ideas, forming teams and putting  
3 together proposals. So we can provide up to 50,000  
4 for those planning grants.

5 And the Organic Transition, we only  
6 have one type of project which is the standard  
7 project for up to 750,000. That is a small  
8 program, so we didn't want to cut it into so many  
9 small pieces. And as you all know, we all know  
10 the issues that the organic industry is facing a  
11 lot and they span the entire supply chain. So to  
12 address those issues, we really need a true  
13 partnership to identify what the issues are or what  
14 the most pressing issues are. And the NOSB, we  
15 see you as our key partner.

16 We usually think of our partner in two  
17 groups, some that we call stakeholders and some  
18 that we call partners that we work with, you know,  
19 to address the need of our industry. So we look  
20 at NOSB as being a partner that we work together  
21 with to address those needs. And we also use a  
22 lot of the farming language there. We use the

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1 surveys like the one that Kiki was talking about.

2 Every listening session that is organized by any  
3 of our partners or stakeholders, we use that --  
4 we take that into account. And what do we do with  
5 that, is we listen to what our partners are telling  
6 us. They help us in those issue identifications.

7 They help us set priorities, and they also help  
8 us work with both USDA and Congress. And the  
9 benefit of that is, they have secure support for  
10 this industry for funding for research, education,  
11 and extension.

12 And we have also been very lucky because  
13 your work was also well received by Congress. What  
14 this industry has done over time since we started  
15 with this program in 2004, Congress has really  
16 responded by really providing the support that NOSB  
17 and any other partner has asked. And you look at,  
18 starting next year, OREI alone, the budget will  
19 go to above 50 million. So that's a big win for  
20 the work that this industry has done.

21 Also, what do we do when we receive that  
22 type of support? So within NIFA, we listen to all

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1 the input, we take all the input from industry and  
2 we translate that into what we call the Request  
3 For Applications. Then we make sure that we use  
4 a very strict panel review process to look at all  
5 the applications that we receive for our programs.

6 And we only base our review on scientific merits.  
7 That's what we use for the selection of the project  
8 that we fund. And after selection of those  
9 projects, we also make sure we follow up with our  
10 applicant to make sure they are delivering what  
11 they promised to do.

12 Now, you will ask me if -- or every year  
13 you meet, you spend a lot of time, a lot of effort  
14 developing your own priorities for NOSB, what do  
15 we do with those priorities? I would just tell  
16 you that NOSB priorities become our priorities.

17 So each year -- and thanks to Michelle and all  
18 the folks that keep us in the loop, once they'll  
19 get published, we take them and then they become  
20 also our priority. We include them in our RFAs,  
21 both the Organic Transitions and OREI program.  
22 We have been doing that for the last couple of

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1 years. And it would be very difficult to take your  
2 priorities and try to go and narrow them down to  
3 one or two. So what we do is we put a direct link  
4 to all those priorities in our RFAs. The couple  
5 of the first years, it wasn't very easy because  
6 everything that we do, we have to justify it through  
7 the review process of our RFAs specially with our  
8 policy folks. So today, they can accept to put  
9 those links in those RFAs directly.

10 Now, what are the implications? Every  
11 single dollar that is appropriated for organic  
12 research, we want to make sure that that money is  
13 spent on organic agriculture and it is spent on  
14 the most important issues of that industry. We  
15 received a lot of projects where you can clearly  
16 tell that, you know, it was a conventional  
17 research. They just added the would organic just  
18 so that it could fit the program. So we want to  
19 make sure that all projects submitted to us are  
20 relevant to the industry. And how do we establish  
21 that relevance?

22 We establish that relevance by asking

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1       our applicant to clearly demonstrate that their  
2       research is addressing key priorities of the  
3       industry. So by having NOSB link -- priority  
4       linked to our RFAs, they are used by our applicants  
5       to establish that relevance to show that this is  
6       really addressing a need of this industry. So I'm  
7       just giving here an example of how our applicant  
8       community is responding to those priorities. I've  
9       put here in this box verbatim a language from one  
10      of the applications, and this is an ongoing award.

11      And they put in their application right at the  
12      beginning, This project addresses three NOSB  
13      research priorities, and then they listed them:  
14      Organic alternative systems; side-by-side trial  
15      of organic materials and culture methods; and  
16      three, production and yield area to transitioning  
17      to organic production. So you see that the  
18      applicant community is really taking that very  
19      seriously and they are using that to establish that  
20      relevance. And that is what pushed the project  
21      really high on the list.

22                                      Now, we also have had some questions

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1 about, should we be ranking some of these  
2 priorities to put, like, number 1, number 2? I  
3 would say even within NIFA, we usually do not rank  
4 our priorities because it would have no impact on  
5 our peer review system. And sometimes we ask  
6 people to -- we use bullets, which is a lot easier  
7 than just using a numerical system 1, 2, 3. So  
8 our focus in our peer review panel is really, once  
9 the relevance is established, most of the focus  
10 is on scientific and technical merit of the  
11 proposals.

12 So I'm just going to move here and show  
13 you a bit of data that those two programs have  
14 become quickly established as national programs.

15 This shows the number of proposal received by  
16 every state. And you can see pretty much we  
17 received proposal from every state and  
18 territories. Obviously, you know, most of them  
19 are focused in the north central, north east and  
20 then the west coast, with Texas and Florida also  
21 submitting a lot of proposal. And when I show you  
22 the next graph, which is the number of proposal

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1 funded, it would show the exact same pattern.

2 And this have the number of proposals  
3 funded for this program. And the state in pink,  
4 and I would say North Dakota was last year -- they  
5 received an award last year, those are the state  
6 that have not yet received an award from us. And  
7 there are very few of them. I think last year,  
8 North -- in 2021, North Dakota received their first  
9 award, and Oklahoma also received their first  
10 awards. So very soon, pretty much every single  
11 state in the country will have received funding  
12 to do organic research.

13 And another question that we receive  
14 a lot is about the success rate of our two programs.

15 They are pretty different between OREI here in  
16 blue, and ORG in green. Like I told you, OREI is  
17 open to everyone. That's probably the reason why  
18 the success rate tend to be smaller. It ranges  
19 here between 8 percent and about 30 percent in a  
20 good year. ORG, the Organic Transition on the  
21 other hand, tend to be higher in term of success  
22 rate. Like, just look at 2021 here. We have 61

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1 percent success rate for that program, and part  
2 of it is because, again, not very few people are  
3 eligible, only universities can apply. So there's  
4 a lot that we can do to increase the number of  
5 proposal there. But look at here, OREI, very low  
6 as a success rate.

7 Now, a couple of dealer, also some good  
8 news is when I started at NIFA in 2013 we have a  
9 couple of issues at that time based on some of the  
10 surveys that were done nationally. One was, we  
11 needed to see more animal systems proposals. We  
12 wanted to see more proposal from small and minority  
13 serving institutions. And at that time there were  
14 very few projects funded in the south. And over  
15 time we have made significant increase in all those  
16 three bullets. We are seeing more proposal for  
17 animal system not only submitted, but also funded.

18 Same thing for small and minority serving  
19 institution and in the southern region.

20 Kiki was talking about plant breeding.

21 Yes. The same thing was true here. We wanted  
22 to see more seed and breed proposals. Look at this

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1 graph there. When I'm looking at the success rate,  
2 what you have there in green will be the success  
3 rate of the entire program. And then in blue will  
4 be the success rate of the seed and breed project.

5 2014 we have 23 percent for the seed project and  
6 the entire program was 27 percent. So the seed  
7 and breed project were not very successful with  
8 the program.

9 What we did was, again, we are only  
10 funding project based on scientific merit. We  
11 rely a lot on you and the industry to send the word  
12 out. We did a lot of craftsmanship seminars and  
13 we are very happy to see that since that time, all  
14 the breeding project are more successful with our  
15 programs. Look at here, since 2015, all the  
16 breeding project are more successful. And 2021,  
17 we have 44 percent success rate for the breeding  
18 project compared to 23 for the rest of the program.

19 So that's another place where we noticed that  
20 there was a need and we've made a significant effort  
21 through you, through all our stakeholders, to  
22 really bring together the best mind so that they

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1 can put together compelling and competitive  
2 projects.

3 So some areas where the news is not that  
4 great is, we have just closed the 2022 grant cycle.

5 So all our applications are in for OREI and ORG.

6 For OREI, we saw a significant drop in the number  
7 of application, even though the total budget of  
8 the program has increased, we are seeing this year  
9 40 percent drop in the total number of applications  
10 for OREI, and 50 percent drop in the total number  
11 of application for the Organic Transitions for the  
12 last two years.

13 Now, why? We were just scratching our  
14 head and asking, is this some side effects of COVID?

15 We also noticed that a lot of project director  
16 that have active awards were, all of them, asking  
17 for no-cost extension, meaning that they are  
18 struggling to complete their field work and they  
19 wanted extra time to get it done. Probably they  
20 did not have the time to put in -- together new  
21 applications. So this is something that we need  
22 -- we are going to be working on, making sure that

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1 as our budget increase significantly, that we work  
2 with our industry, our -- all our partners and  
3 stakeholder, to increase the number of  
4 applications because we went to make sure that we  
5 are only funding the best scientists.

6 So again, here you saw a budget of OREI  
7 increasing to 50 million. So we need to follow  
8 that with, you know, taking advantage of that to  
9 stimulate the research and innovation and to tackle  
10 some of the big issue that the industry is currently  
11 facing. And looking to the future, again, we are  
12 going to keep our three leg of the stool, you know,  
13 which is research and innovation; extension is the  
14 key component of our program; and education  
15 training of the next generation of research leader  
16 will also continue to be -- it's one -- it's our  
17 weakest leg right now, the education component,  
18 but we will try continue to work on that.

19 We will also continue to work with you  
20 all to promote the two programs. So if anyone has  
21 a meeting somewhere and wanted us to come and give  
22 a talk on the two programs to really stimulate the

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1 applicant community and get more solid  
2 applications for this program, we would be ready  
3 to come anytime. We want to also work within NIFA  
4 to continue to include the language on organic  
5 research in other programs. We also thought that  
6 maybe we, that was the reason why we getting fewer  
7 applications because most people can see other  
8 opportunities with other program, like beginning  
9 farmers. I manage another AFRI program where I  
10 am funding many organic project. So we would  
11 continue to do that.

12 And also we want to -- we are very  
13 excited that we are being evaluated. Our program  
14 is being evaluated by an external evaluator, the  
15 Organic Farming Research Foundation, so that maybe  
16 one or two years from now, they would come with  
17 some findings, some ways we can all together  
18 improve those two programs. So this is our entire  
19 team. It is myself, Mat --

20 Carolyn, you did a great job of  
21 pronouncing my last name. Many of my colleagues  
22 -- many of my colleagues have that problem.

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1 MR. NGOUAJIO: So myself, Mat  
2 Ngouajio.

3 MS. DIMITRI: Thank you.

4 MR. NGOUAJIO: Yes. I have -- look at  
5 the plant part of the organic system. I'm the  
6 overall lead for the program. But I do have my  
7 colleague, Steve Smith, who is from the animal  
8 systems division. And we have Neerja, who's our  
9 program specialist. Since organic touches on  
10 everything plant and animal, you also see there  
11 too, division director, Susan Moser from plant  
12 system and Bob Godfrey from animal systems. So  
13 those are the two division director that I work  
14 with for these organic programs.

15 So -- okay. Yes. We are asked to  
16 always show this slide to show that -- the  
17 nondiscrimination statement for USDA. I think  
18 since you are going to have a copy of the slide,  
19 I will not go through and read all this now. With  
20 that, I think I will stop here and take any question  
21 that you may have. And I will also stop sharing  
22 my screen. I'm coming back to you, Kyla. And I'm

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1 happy I did all of this without having any problem  
2 with my internet.

3 MS. DIMITRI: The internet guides --  
4 Gods are shining on you.

5 Nate, do you want to do the questioning  
6 --

7 MR. POWELL-PALM: Sure.

8 MR. NGOUAJIO: -- or do you want me to  
9 go for it?

10 MR. POWELL-PALM: Thank you again, Dr.  
11 Ngouajio. This was just fantastic. I know we're  
12 going to bombard you with questions now. So buckle  
13 up because this is really exciting to see all this.  
14 We're going to start off with Wood.

15 Wood, please go ahead.

16 MR. TURNER: Thanks, Mat. Great  
17 presentation. I really appreciate it. And I know  
18 we've been -- you presented to us fairly recently  
19 before and I know we're -- we continue to sort of  
20 say, hey, come tell us more about how this process  
21 is working and how the research priorities that  
22 are coming out of our Board are, you know, really

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1 coming to fruition or sort of making a difference.

2 And I think that's really on the minds of all of  
3 us as a group to try to figure out how this process  
4 really works. Because I think in some ways, we  
5 all come onto this Board and end up inheriting a  
6 process. And that's certainly true of research  
7 priorities where we sort of, you know, produce  
8 these research priorities and they seem to be  
9 rolling over year over year.

10 And the question has been coming up  
11 among this group in particular, you know, what is  
12 the impact? And so yeah, I think you did a great  
13 job of sort of explaining that. And I guess, one  
14 thing that will be helpful for me to understand,  
15 certainly as we're eating into our time to discuss  
16 our discussion document on research priorities  
17 today -- with good reason because it was great to  
18 have your presentation.

19 But the question I'm curious about is,  
20 can we do a better job of articulating -- and I  
21 get the point about ranking the priorities and  
22 that's not useful to you, but the idea of

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1 articulating what the priorities really are trying  
2 to get at. Because I think even there's confusion  
3 within the community sometimes about that. We'll  
4 have a summary document, but then a much deeper  
5 document that articulates some of the things that  
6 are associated with it. And I just want to make  
7 sure that somehow the objective or the -- there's  
8 clarity into what we're seeking to really  
9 understand. Because I think sometimes there's  
10 some -- they can be fairly general, and I want to  
11 make sure that that's -- just get some guidance  
12 from you on that.

13 And the second point that I want to ask  
14 about ORG in particular -- and we hear a lot from  
15 the community about resources, improving resources  
16 to farmers who are trying to transition to organic.

17 And I hear when you talk about ORG and the fact  
18 that those grants only go to colleges and  
19 universities, it makes me worried that the folks  
20 who need them the most, the growers themselves,  
21 are actually too far removed from that college and  
22 university aspect of that -- of the grant to be

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1 able to really benefit from it.

2 And so I just -- I'm sort of imagining,  
3 having read a lot of comments over the last several  
4 weeks, I'm just sort of imagining what's on the  
5 minds of people who sort of wonder, like, how did  
6 this -- and that's a small program, that's a very  
7 small program compared to the other program. So  
8 how is that funding directly affecting those  
9 growers? Sorry for the long question, but I did  
10 want to give you -- it's a lot of context, but sort  
11 of having you here today, I appreciate it.

12 MR. NGOUAJIO: Thank you, Wood. A  
13 very good comment there for both ORG and your  
14 priorities. Let me began with the ORG program.

15 To be honest, even us, when I first got to NIFA,  
16 I said, man, this is the Organic Transition. So  
17 we -- this is a program where we should be getting  
18 more farmers involved. But then when you realize  
19 that Congress -- they throw our program out in  
20 bucket,. Some of them -- every one comes with a  
21 prescription, and the organic transition program,  
22 just like many other programs that we have, the

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1 IPM program and some other -- methyl bromide, my  
2 other program, they come with a strict prescription  
3 because they came under the umbrella of what they  
4 call integrated project programs.

5 And when they say integrated programs  
6 means that you need research, education, and  
7 extension. Once -- who can offer those three  
8 things? Only land-grant institutions. So even  
9 ARS cannot compete for that program. ARS cannot  
10 submit a project to Organic Transition. However,  
11 we have language, that came from the industry that  
12 this did want to see farmers involved in those  
13 projects. That is so important to us. In this  
14 we still required to either work with a field that  
15 is already certified, or that will be certified  
16 by the end of the study. Because we noticed also  
17 there were so many project funded with the Organic  
18 Transitions at the beginning of the program and  
19 then once the project was finished, everything was  
20 done.

21 So we are putting a requirement now,  
22 that you need to certify that piece of land. And

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1        what's the best way to do it? Work with a farmer  
2        that at the end of the project that farmer would  
3        certify that piece of land. So it's still a  
4        weakness really, I would say, for our programs to  
5        not have people from industry like Kiki, the  
6        Organic Seed Alliance, many other farmer that can  
7        submit application directly. They have right now  
8        to go through a university. So if you want to  
9        compete for that program, you need to find a  
10       university and then be a SOP award for that  
11       university. And your budget should be less than  
12       50 percent of the entire project. So that's an  
13       issue that you know, comes with -- we only need  
14       to change the law if we went to change that. So  
15       that's a small weakness, but still, we are happy  
16       to have that program still in the books.

17                    Now, when it comes to priorities, I  
18       would say personally, I think the way you present  
19       them in term of giving a summary, and then followed  
20       by a more in-depth discussion of what you really  
21       intend to be achieved, that is still the best way  
22       to do it. One, we are facing a significant problem

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1 with this industry in term of researchers. We can  
2 express those needs. We can say we want to see  
3 more methodology in research. We want to see more  
4 of soil health. But still we need the people  
5 outside -- out there, the researcher, that are  
6 specialized in those field, or that would be  
7 attracted to engage in those field. And as we  
8 speak right now we don't have the luxury of that  
9 number. So to me, let's keep it broad. Whoever  
10 we can grant, we will say thanks for that. Because  
11 if we keep it too narrow, we will be again trying  
12 to narrow a community that is already too small.

13 I don't know if I -- I've covered that, Wood.  
14 Thank you.

15 MR. POWELL-PALM: Thank you. Next up  
16 is going to be Amy.

17 MS. BRUCH: Thanks, Nate.

18 Thank you, Dr. Ngouajio. Very  
19 interesting insights on research. I have a  
20 question for you, just if you could provide some  
21 additional information on that feed-back loop for  
22 results. So you talked a lot about, you know, the

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1 process for application, and who's applying, and  
2 what, maybe, the focus is. I was just curious.

3 Status updates, how results are communicated, and  
4 if somebody -- if an awardee does take up one of  
5 the NOSB research priorities, is there a way for  
6 any interaction between, maybe, our group  
7 potentially and what that person is real-time  
8 researching?

9 MR. NGOUAJIO: Okay. Thanks, Amy.  
10 That's a great question about, you know, once the  
11 research has been funded, you know, what's, how  
12 do you close that loop, make sure that they stay  
13 connected with the industry and those other people  
14 working in that field. We were doing a lot of what  
15 we call the project director's meeting where we'd  
16 get -- all the people that are funded, get together  
17 maybe once every year to share their research  
18 results. But unfortunately, with two things, us  
19 moving to Kansas City, and second, COVID, we have  
20 not done any of those three things.

21 We lost so many of our staff, about 80  
22 percent of our staff. And one of the things to

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1 cut at that time was we -- no more project director  
2 meeting, nothing else, just focus on the basics,  
3 what we can do to get the money out of the door.

4 So we will do a little bit more of that now that  
5 we are back fully staffed. And another thing that  
6 also happened is, we -- most of our project are  
7 funded as a grant. So meaning that the -- you have  
8 that, what is called the minimum reporting  
9 requirement. And we have to actually sometime --  
10 I'm rejecting more annual report than I used to  
11 do, because you see people giving you five  
12 sentences for a project of \$2 million because  
13 that's all that the government requires, you know.

14 It's not like when you do a cooperative  
15 agreement, you can ask for more. It's, like, not  
16 the SARE program, when you get a project funded  
17 through the SARE program because those are -- most  
18 of them are cooperative agreement. They can ask  
19 for extra reporting. But most of our grant, we  
20 do not have that opportunity. So the best way for  
21 us to get more is to get those project directors  
22 together with industry to share their result and

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1 usually when we convene those meetings, we get more  
2 from those project directors.

3 But you are -- its a very important  
4 point, Amy, because it's -- if the research is done  
5 and the only output is waiting for a scientific  
6 publication that -- most of that is not go into  
7 go to the hands of the industry right away. It  
8 may take five to ten years to get to that scientific  
9 publication, when we actually need to have that  
10 feedback on a continuous basis. So, thanks.

11 MS. BRUCH: Thank you.

12 MR. POWELL-PALM: Dilip, please go  
13 ahead.

14 MR. NANDWANI: Okay. Good afternoon,  
15 Dr. Ngouajio, and good to see you again over the  
16 institute's connection. Although I have attended  
17 your presentations in the past in American Society,  
18 but this was really a very good update on what's  
19 been happening past few yes, especially we are  
20 getting out from the COVID. And as I noticed in  
21 others that there was a drop in the applications  
22 and that there is a increase in funding.

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1           Couple of -- kind of one is quick simple  
2           question and maybe a clarification. You know I'm  
3           with TSU and it's a 1890 institution, and you did  
4           mention that there are some -- within OREI and ORG,  
5           you have some preference or -- where you do see  
6           that proposals are coming from minority  
7           institutions. But what other programs in AFRI  
8           which you are also program leader, do you see there  
9           -- is there any specific programs for those  
10          institutions? And part of that question is also,  
11          the research priorities you have mentioned from  
12          NOSB to -- in OREI, are they also the same when  
13          proposals being submitted in AFRI and other USDA  
14          programs, or is there any update or changes in those  
15          research priorities?

16                 And second quick question I have, these  
17          ORG proposals, can they be conducted on certified  
18          organic operations? My understanding is that,  
19          yes, but I'm not sure, or it has to be only the  
20          transitional growers. Thank you.

21                 MR. NGOUAJIO: Okay. And thanks,  
22          Dilip. Thank you for seeing you again today, and

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1 a requirement, I can guarantee you much of that  
2 research is going to be done in conventional system  
3 that would take a piece of land, just do the  
4 research. After three years, that would be done,  
5 they would move to something else. So it's -- it's  
6 kind of limiting the number of application that  
7 we can get. But we ask this thing to make sure  
8 that we are using organic money to support the  
9 organic industry. That is probably still the best  
10 way to proceed.

11 Now, in term of priorities for our  
12 organic -- other program at AFRI I have an AFRI  
13 program that I manage. That is called  
14 Foundational Knowledge of Agricultural Production  
15 Systems. It's a new program that we started in  
16 2016. And that is the program where we fund a lot  
17 of organic projects. Maybe because I was the one  
18 who have started that program I made sure that there  
19 was enough language there to allow for organic  
20 research. But I would say the priorities for AFRI  
21 are usually more broad. So if you're looking for  
22 an AFRI program don't -- check with the program

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1 managers to see that your ideas would fit.

2 We tend to keep them really broad,  
3 because each time we try to narrow down things,  
4 we get so many people or communities that would  
5 come to NIFA and complain and say, why is this  
6 project focusing only on this topic? So to avoid  
7 all that, you will see it's true for many of our  
8 program, we keep the door wide open as much as we  
9 can. And that has been the message that I convey  
10 to the community. Don't look for the word organic  
11 in a program to know that you can compete in that  
12 program. And I will tell you, in that AFRI  
13 programs the success rate of organic programs,  
14 there is higher than OREI. And we have even funded  
15 conferences through that AFRI program.

16 So the key word there, if a program you  
17 see the type of research that is doing there could  
18 fit in what you are doing, just check with the  
19 program manager and you probably would be able to  
20 submit. And those program also offer an extra  
21 layer of flexibility that, Dilip, you know -- the  
22 organic industry told us because we really listen

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1 closely to what NOSB say, or the Organic Seed  
2 Alliance, they told us that they don't want to see  
3 a bunch of research conducted with OREI money, or  
4 organic transition money comparing organic and  
5 conventional.

6 And indeed, when you look at the early  
7 projects, it was comparing organic tomatoes and  
8 convention tomato, comparing organic corn and  
9 conventional corn. Those were first project that  
10 were being funded. The industry told us, that  
11 doesn't advance our industry, showing us that  
12 organic doesn't yield as much us conventional  
13 doesn't help us. We don't want to see that  
14 anymore. So we don't fund those type of studies  
15 anymore within OREI. However, you can still, if  
16 you make a case, in other AFRI program, to do some  
17 sort of comparison studies. So it's a lot tougher  
18 within OREI. So those AFRI program have -- offer  
19 more flexibilities.

20 MR. NANDWANI: Thank you. You have  
21 answered very well and thoughtfully and I'll see  
22 in Chicago for ASHS. Thanks again.

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1 MR. NGOUAJIO: Thanks.

2 MR. POWELL-PALM: Allison, please go  
3 ahead.

4 MS. JOHNSON: Thank you so much, Dr.  
5 Ngouajio. This has been really interesting. And  
6 I appreciate how much time, it's clear, you're  
7 putting into thinking through fairness and making  
8 the biggest impact investments with our limited  
9 research dollars. I've been working for a number  
10 years on the proposal for a comprehensive organic  
11 transition program that would be particularly  
12 aimed at supporting small and mid-sized producers,  
13 and that would bring together flexible resources  
14 that could meet a wide range of needs, including  
15 on-farm research.

16 And part of our motivation in pursuing  
17 this is trying to address concerns that I've heard  
18 about it being complicated to figure out how to  
19 access resources, each program having different  
20 requirements, it being time-consuming to apply,  
21 and so on. And your observation about the dropping  
22 application rates and some of the other related

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1 programs that producers maybe using, made me wonder  
2 about this participation issue. So I'm curious,  
3 if you had the chance to design something new, how  
4 do you think we could make it easier for more  
5 producers to access research funding and improve  
6 coordination between ORG, OREI and some of the  
7 other arms of USDA that support organic?

8 MR. NGOUAJIO: Wow. That's a tough  
9 one, that I -- if I had the same question, I would  
10 be asking, you know, going back to the industry,  
11 OFRS, Organic Seed Alliance and say, hey, guys,  
12 help me here. How can we get this done?

13 But just to answer your question, I  
14 would think that if we went to get more grower  
15 involved, it is just to continue to do some of what  
16 we have heard from the industry in putting in our  
17 RFA that requirement to make sure that each project  
18 has a grower component to make it relevant and  
19 adapted right away. And we have been doing that,  
20 and we are lucky that a lot of people that serve  
21 on our panel, people like yourself, many of them,  
22 they see that need, the need for getting not only

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1 farmers, but industry folks that are working  
2 directly with those farmers involved in the  
3 research that we do. That will continue to be a  
4 requirement, and that is one -- to my knowledge  
5 and my experience just sitting in panel, it makes  
6 the project more competitive. There's no project  
7 that we fund in our program, if you don't have a  
8 grower component. It is really tough to go across  
9 that funding line for most of the projects that  
10 we fund.

11 So now, how can we better do that? I  
12 don't think the way the law is set right now, we  
13 can get to the point where we can replicate  
14 something like the SARE program where you have a  
15 farmers' component to it, where they can actually  
16 apply directly. That -- our programs and the  
17 legislation that comes with it don't allow that.

18 That will be a good additional component to the  
19 program that we do, where we can have a grower  
20 component or competitive small program that they  
21 can come in. But right now, all we do is work with  
22 farmers -- and not only work with them, make sure

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1       they have a budget in the project.  You know, if  
2       you don't have -- they don't have a budget, it means  
3       that they are just supporting the project, they  
4       are not part of the project.  So that's a big  
5       requirement.  But it's a great question and is one  
6       that we need to work together as industry to find  
7       the best way forward.  So I'm not trying to avoid  
8       the questions, but I'm just saying that me sitting  
9       here, it's -- the solution to that would come from  
10      all of us.  Thanks.

11                   MR. POWELL-PALM:  Thank you.

12                   MS. JOHNSON:  Thank you so much.

13                   MR. POWELL-PALM:  Thank you so much,  
14      Dr. Ngouajio.  This is an exceptional opportunity  
15      for us to better inform our work, writing and  
16      thinking about research priorities.  I think we've  
17      been in a bit of a state trying to figure out how  
18      can we be more effective at sending new priorities  
19      that actually make it into grant making and are  
20      useful to you.  So we really appreciate your time.  
21      I've gotten a lot of clarity from this  
22      presentation.  So very much appreciate you taking

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1 the time again to sit with us today and share.  
2 Very much appreciate it.

3 MR. NGOUAJIO: Thank you.

4 MR. POWELL-PALM: And with every good  
5 discussion, comes a little bit of a time check.

6 So we're going to probably run a little bit late,  
7 but I think those two presentations we had today  
8 were just outstanding. And so I really appreciate  
9 Kiki, as well as Dr. --

10 And I'm going to try this real quick,  
11 Ngouajio -- Ngouajio. All right, Ngouajio.

12 Dr. Ngouajio, thank you again, and  
13 Kiki. Thank you.

14 So I -- we are going to turn it over  
15 to Wood. And we were just strategizing for how  
16 to move through our -- the rest of our agenda today.

17 And I think, Wood, does it still work if we run  
18 -- try to go through research priorities and  
19 excluded methods and then defer our DTO discussion  
20 to tomorrow during our deferred votes period?

21 MR. TURNER: It actually works for me.

22 I don't know if there's any -- I mean, we -- a

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1 straw poll of the group to make sure that's okay  
2 with everybody.

3 MR. POWELL-PALM: Is that okay with  
4 folks? We all sit tight a little bit. All right.  
5 Appreciate you all.

6 So, Wood, I will turn it over to you  
7 for the material subcommittee.

8 MR. TURNER: Great. So like Nate  
9 said, we're going to discuss two things today, the  
10 discussion document on research priorities for  
11 2022 and the proposal on excluded methods that  
12 Mindee will present after that. And then we'll  
13 move the discussion of distilled tall oil to  
14 tomorrow.

15 So I -- this may not be something that  
16 we need to -- I think it's important, and I think  
17 we tried to set this up so that we could have this  
18 discussion on the discussion doctrine and research  
19 priorities right behind Mat's presentation.  
20 We've had some of the discussion I think here today  
21 already. And I don't want to go through, you know,  
22 the entire discussion document ad nauseam. I

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1 think we've gotten, you know, good feedback from  
2 the community as a whole on some of these -- on  
3 these priorities. And I think in general, what  
4 we're hearing is good support for the priorities  
5 again, which may not -- probably doesn't come as  
6 a surprise to anyone.

7 I think we've noticed some folks from  
8 the community who are leaning particularly hard  
9 on certain topics that we know are important --  
10 that are of particular interest, including things  
11 like biodegradable mulch films, and the like. So  
12 I don't want to go through these in detail, but  
13 I did want to spend a couple of minutes just sort  
14 of raising a couple of points that I think are  
15 particularly useful.

16 One is that, I want to make sure the  
17 community is clear on the fact that -- and again,  
18 you may have heard me in my questions to Mat  
19 indicate that we produce an executive summary which  
20 is a list, an actual list of the very distilled  
21 down priorities that we've landed on. And then  
22 there's a supporting document, a longer document

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1 that sort of goes into more detail about what these  
2 are intended to do. And I just want to point out  
3 that there was some feedback from the community  
4 that we had somehow disregarded or dropped, a  
5 discussion of more research into copper under the  
6 crops subcommittee, and that's not the case.

7 We -- the summary of the -- under  
8 disease management didn't necessarily mention  
9 copper by name. But if you look at our actual  
10 discussion document, we go into some detail about  
11 what we're really looking for in trying to learn  
12 more about the copper-based materials and to how  
13 to think about decreasing those needs over time.

14 So just want to make sure that was clear to folks.

15 I also wanted to point out, you know,  
16 I think some of the feedback that we've heard from  
17 community is, you know, I think we've had kind of  
18 a legacy concern, I would say, in the research  
19 priorities around learning more about suitable  
20 alternatives to BPA. I would say as well, I'm  
21 going to just use another acronym here, but  
22 hopefully folks know that when we refer to the other

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1 materials of concern, like PFAs, for example I've  
2 heard the community's comments on that as well.

3 I've seen it several times in reviewing the  
4 materials and do think it's worth some discussion  
5 in our subcommittee, or in this conversation today  
6 about how to include by name and by reference some  
7 of the -- some other materials beyond just BPA that  
8 I don't have concern for folks in the community.

9 So I'm going to pause for a second and  
10 I guess, you know, again, in lieu of going through  
11 every single research priority, I want to turn it  
12 over for some discussion here because I think  
13 that's the intention. I think we've all really  
14 leaned into -- we've all really leaned into sort  
15 of what this presentation from Mat would tell us,  
16 and sort of how we really learn more about and  
17 create feedback with NIFA about what's getting  
18 funded, how we're learning about it in the process.

19 And I know a lot of you have some opinions about  
20 that as well.

21 I also, you know, want to indicate as  
22 well that I -- that was part of my question about

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1       ORG. You know, how do we actually directly have  
2       involved farmers in some of this research and sort  
3       of keep it less about the ivory tower and more about  
4       sort of helping people on the ground, at least solve  
5       problems. I think that's what they're trying to  
6       accomplish here. So I hear that as sort of a  
7       meta-issue as well that I wanted to just flag too.

8       So with that, I'll pause.

9                   And since the chair is the first  
10       question, I will take the chair's role and say,  
11       Nate.

12                   MR. POWELL-PALM: Thank you. And then  
13       I'll --

14                   MR. TURNER: What's your question?  
15       What's your question?

16                   MR. POWELL-PALM: I'll relieve you of  
17       it.

18                   I was really heartened to hear the  
19       presentation today that our research priorities  
20       are so deeply used to inform grant making. I think  
21       one thing I would like us to do as a board is review  
22       the respective priorities in our subcommittees and

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1 try to find stakeholders for each of those  
2 priorities. And so I know that we bring our own  
3 expertise, so we have experience when we bring  
4 research priorities forth, but I think it would  
5 be better to really figure out where the rubber  
6 meets the road as far as what does our respective  
7 community need, and how do we internally start to  
8 elevate priorities. I think we throw a lot on our  
9 list, but it'd be -- knowing what Dr. Ngouajio said,  
10 it seems like it's really worthy of our time to  
11 figure out how to bring very specific anecdotes  
12 from stakeholders, lists of stakeholders who need  
13 this work done, what the outcome is, to help us  
14 work on this ourselves internally and prioritize.

15 I will then jump over to Amy.

16 MS. BRUCH: Yes. Thank you, Nate.

17 Thanks, Board, for this discussion.

18 I think that's huge, Nate, actually  
19 because I just sit and look at all of these  
20 priorities. I think that they're meaningful.  
21 They would help sometimes advance some of our work  
22 agenda items that have, you know, the rest of the

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1 story, I guess. I mean, it's great that they're  
2 getting funded, but that information is so critical  
3 for just advancing forward our industry, and I  
4 think there needs to be some worthwhile discussions  
5 on how do we get feedback loops. Stakeholder  
6 comment was really great. I know on my farm in  
7 a network of Midwest farmers, organic farmers were  
8 taking on the battle of the no-till organic. It  
9 self-funded a lot of it. We call it real-farm  
10 research. And usually you learn a lot from your  
11 mistakes. That's the best way to put it.

12 So I mean, if there is a a way to kind  
13 of capture this information so it can be useful  
14 there's a bunch of us farmers that would love to  
15 be helpful in this regard. But we just -- I think  
16 we owe it to ourselves in the community to get  
17 information and communicate it and start crossing  
18 some of these off the list because there's going  
19 to be lots more to place on the list and it would  
20 be nice to work our way through them. Thank you.

21 MR. POWELL-PALM: Gosh. I can't  
22 second that enough. As an inspector, I've seen

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1 so many of these research priorities solved in the  
2 field by farmer, but that didn't -- that never gets  
3 out to a broader audience.

4 Jerry, please go ahead.

5 MR. D'AMORE: Thank you very much.

6 MR. POWELL-PALM: If you would lean  
7 into your mic just a little, Jerry, or speak up  
8 just a little bit. It's a little faint.

9 MR. D'AMORE: Wait a minute -- maybe  
10 if I -- is this any better?

11 MR. POWELL-PALM: A little bit.

12 MR. D'AMORE: Okay. I would just like  
13 to address the issue of the research priority for  
14 copper sulfate. What you said, Wood, was  
15 absolutely spot on for a year ago today. We were  
16 called to task, I think, on the wording that  
17 predated what's -- what we have now. The -- this  
18 research priority on disease control is a pillar,  
19 I think, of support for copper sulfate. And as  
20 a response to our stakeholder community -- and I  
21 think what's there now has been good for a year  
22 and is first rate. So I thank you for that. And

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1 I really do think that the issue of, you know, from  
2 our stakeholder community has been quiet for a year  
3 that I see. So, thank you.

4 MR. POWELL-PALM: Brian, please go  
5 ahead.

6 MR. CALDWELL: Thank you, Nate.

7 Boy. I feel like, unfortunately my  
8 brain is kind of, like, headed into the slippage  
9 zone here. But one of the things that really  
10 strikes me with our research priorities is we have  
11 sort of two different types. And one type is sort  
12 of a broad, you know, topic to discuss. And  
13 another -- the other type is a series of really  
14 specific questions that we want answered usually,  
15 as part of our specific, you know, work with  
16 materials and whatnot. And I can -- it was really  
17 interesting to me when Mat mentioned the successful  
18 proposal that listed three NOSB priorities and they  
19 were all pretty broad. There was, like, no-till  
20 and side-by-side comparison trials, and then  
21 something else. But something like, you know,  
22 sort of the fate of copper, or something like that,

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1 is never going to be, I mean, it's -- the chance  
2 of that being part of these kind of mega-projects  
3 that OREI is funding is really small, you know,  
4 and it's not going to be answered that way.

5 And I'm just feeling like maybe we need  
6 a two-pronged approach of getting these things  
7 answered. The more I think about it, it would just  
8 be really fantastic if there was some kind of a  
9 small project -- a small program within USDA,  
10 within NIFA, or whatever was the appropriate group  
11 that could address with small pots of money, but  
12 specific questions that we had and, you know, kind  
13 of really try to nail it. But, you know, the kind  
14 of -- the overarching OREI and ORG projects that  
15 I've certainly been involved with, at least three  
16 of them, they're not going to look at these kind  
17 of specific questions. So just wanted to put that  
18 out there.

19 MR. POWELL-PALM: I think that's a  
20 great question. It would be a nice follow-up  
21 question to Dr. Ngouajio as well, seeing how we  
22 strike that balance. That's a great point. I

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1 think we should definitely follow up with that.

2 Carolyn, please go ahead.

3 MS. DIMITRI: I have a couple of  
4 comments related to what Amy said and then what  
5 Brian just said. And so I think, like, as a --  
6 the OREI grants are all integrated. So that means  
7 that all researchers need to partner with either  
8 extension or education. So I think farmers are  
9 where the extension piece comes in. And so the  
10 information that gets disseminated -- like, I  
11 usually partner with someone from NCAT. So Amy,  
12 I think -- this is what I was thinking when you  
13 were talking. It's, like, I think it would be  
14 really -- it's really helpful when farmers have  
15 really close relationships with NCAT and other  
16 people that do outreach because it sort of makes  
17 that circle a little bit easier to close. Because  
18 they're -- they tend to do a lot of outreach, but  
19 they also kind of share information with  
20 researchers like, this is what, you know, these  
21 farmers that I know, I think is really important.

22 So, I mean, I guess maybe thinking --

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1 I know what -- well, Amy, you already do a million  
2 things, but if there is just more involvement on  
3 the part of organic farmers, I think, in this  
4 general, talking a lot to extension people would  
5 be really helpful in just pushing forward thing  
6 -- pushing forward important questions, but also  
7 getting the information translated back to the  
8 farm.

9 And then, Brian, when you were talking  
10 I was thinking, yes, this has always been my thing.

11 It's, like, I'm a researcher and I just really  
12 kind of do what I want. And if it -- if my interest  
13 happened to align with the NOSB, then I would find  
14 that helpful, but I would probably not change what  
15 I was doing based upon the NOSB list. So these  
16 very specific things I think could be part of  
17 cooperative agreements and I'm, like, really going  
18 out on a limb here. So, like, NIFA can't give  
19 cooperative agreements through the OREI or ORG  
20 because the way the Farm Bill gives them money,  
21 but I just wonder if there's some way for  
22 stakeholders to get involved.

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1           We have a Farm Bill cycle coming up.  
2       Like, is there a way to either have, like, some  
3       other kind of grant program? And I know this is  
4       a very heavy lift, but that would be something that  
5       would be more along the lines of a cooperative  
6       agreement. And then there could be a lot more  
7       control. And these more refined but very specific  
8       questions that are important, maybe, to an organic  
9       farmer or an organic handler more than it would  
10      be to a researcher. So I'm just thinking, trying  
11      to think of ways out of the box. Because I think  
12      the way the funding system is set up right now,  
13      Brian's right, we're not going to, you know, very  
14      specific materials questions are not really going  
15      to be addressed.

16                   MR. POWELL-PALM: Thank you for that.

17                   Kyla, please go ahead.

18                   MS. SMITH: I think along all these  
19      lines I was just trying to think about how do we  
20      get it -- the information back out, or whatever.

21      And so, you know, Dr. Ngouajio was talking about,  
22      you know, his challenges within his team. And so

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1 -- and Amy is talking about, you know, just on-farm  
2 research that happens, that isn't part of  
3 necessarily a big funding stream or any type of  
4 grant or co-operative agreement, or whatever. So  
5 I was just thinking, like, is it -- would it even  
6 be possible to periodically pull together, you  
7 know, various folks to do, like, a research update.

8 And there could be, I don't know, someone who's  
9 done some on-farm something; someone who's wrapped  
10 up there OREI grant; someone who's had, you know.

11 We've also been texting a little bit amongst --  
12 and, Amy, you were mentioning about how just  
13 there's, like, all these other, like, ag grants  
14 that are out there too that are, like, not within  
15 OREI stream. So, like, I don't know, just try to  
16 pull together pieces, parts, to get every so often  
17 just an update of what's going on out there.

18 MR. POWELL-PALM: I think that would  
19 be huge. I think, if I might, I think the  
20 foundation of that question is trying to get more  
21 stakeholder outreach from the Board to our  
22 respective communities to try develop these

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1 channels of communication. Who's doing the  
2 research? If each of us knows a research in our  
3 community -- a researcher in our communities that  
4 we could tap to try to get a summary from, I think  
5 that would be super helpful, just to kind of create  
6 small pipelines of information to feed into the  
7 Board and share with each other.

8 Allison, please go ahead.

9 MS. JOHNSON: Thank you. This list is  
10 so long, and it feels like there's so much work  
11 to do. So I'm looking at it kind of with two big  
12 sets of stakeholders in mind as I think through  
13 what the highest priorities from my perspective  
14 would be. And so one group of stakeholders is  
15 people who need help with production practices.

16 And from that point of view, I'm wondering about  
17 who is served and who isn't served well enough.

18 And then I'm also thinking about what other  
19 audiences might be interested in the outcomes of  
20 this research. And so there, what comes up to me  
21 is, who needs more research to be convinced that  
22 organic is valuable.

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1           So two things that come to mind that  
2 I didn't see on the list yet, I just wanted to offer  
3 in addition to, these all being really important  
4 priorities.       One is regionally relevant  
5 techniques that are important in underrepresented  
6 regions. So the main one that comes to mind there  
7 from interviews I've done with organic producers  
8 is high tunnels in the south. It's an area that  
9 has a pretty small organic sector and the --  
10 everyone that I've spoken with really in the south  
11 has said that they haven't found much help in  
12 managing their systems in a high tunnel context.

13           And then the other is on the climate  
14 change priority. I think we heard a lot yesterday  
15 about an audience that needs convincing with  
16 quantification and maybe just documentation of the  
17 qualitative benefits of organic. So it seems like  
18 we're in a moment where even if, you know, we as  
19 a practical matter recognize that there are a lot  
20 of benefits out there, there's an audience that  
21 needs to see it written down in a journal to believe  
22 it or to be able to advance a policy or whatever

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1 else may follow from that. So I'd love to see that  
2 included too.

3 MR. POWELL-PALM: I think that is huge  
4 looking at the climate-smart solutions information  
5 that I heard yesterday, that's -- we could have  
6 entire extra subcommittee on climate-smart  
7 solutions for figuring out what math needs to back  
8 up what practice. So, yes. That's a great point  
9 and we should definitely be considering that.

10 Liz, please go ahead.

11 MS. GRAZNAK: I guess I'm not 100  
12 percent positive that this group is the one that  
13 needs to hear this. But the thing that immediately  
14 popped into my head was, in the last 12 years, I  
15 have participated in a number of our research  
16 projects with local universities that are doing,  
17 you know, research here. And I personally, you  
18 know, think that the work they're doing is super  
19 important and so I'm willing to participate.  
20 Also, I'm, like, one of the only organic farms that  
21 they can ask to participate. But the amount of  
22 money that they offer farmers to be the

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1 participating farm is laughable. You know, like  
2 200, \$300. I mean, it's such small amounts of  
3 money that for the amount of time and, you know,  
4 growing space and, et cetera, that it requires of  
5 the farmer to participate in the research project,  
6 it's huge and the -- what they are thinking that  
7 the equivalent amount, you know, of money that they  
8 offer us, it's really, sort of crazy.

9           You guys aren't the ones that really  
10 need to hear that. But for 12 years, that's what  
11 I've been dealing with with the people that are  
12 asking me to participate. And honestly, the last  
13 two times that I've been asked, I've said no. I've  
14 said no, not doing it. And that's unfortunate for  
15 them because literally they don't have other  
16 organic farms that they can ask in Missouri. So  
17 anyways, again, not that you guys are the ones that  
18 need to be hearing that. But, yes.

19           MR. POWELL-PALM: I would say that we  
20 are the ones who need to be hearing that just  
21 because articulating what those barriers are for  
22 all of us. And to kind of say, I'm in the same

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1 boat, Liz. I have definitely participated in  
2 these projects. And when you have a field test  
3 plot right in the middle of your field and you have  
4 to make all these turns in your tractor --

5 MS. GRAZNAK: Right.

6 MR. POWELL-PALM: -- around it, it's  
7 worth a lot more than 200 bucks.

8 MS. GRAZNAK: Yes.

9 MR. POWELL-PALM: It doesn't seem like  
10 a lot of labor but it really adds up. So thank  
11 you for that.

12 Brian, please go ahead.

13 MR. CALDWELL: Really quickly. I'm  
14 going to write a long e-mail to OR -- ORF -- what  
15 is it -- OFR?

16 MR. POWELL-PALM: OFRF.

17 MR. CALDWELL: Excuse me -- OFRF, who  
18 is going to be evidently doing some kind of  
19 evaluation of NIFA, putting out a bunch of this  
20 stuff. And to our partners who are watching this  
21 whole exchange here, I want to put out there that  
22 applying for one of those conference -- or several

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1 of those conference grants that Mat mentioned, that  
2 is a way to get all that information spread out  
3 to your regional producers. So that can -- those  
4 are pretty easy to get. There's not a lot of  
5 funding there, and that's a really good avenue for  
6 information sharing.

7 MR. POWELL-PALM: Absolutely.

8 Javier, please go ahead. I think  
9 you've muted, Javier. Go ahead.

10 MR. ZAMORA: Yes. I couldn't unmute  
11 myself. I will just echo what Liz said. And you  
12 kind of get overwhelmed sometimes with so many  
13 researchers. They hear of your name, you're a good  
14 collaborator. The amount -- the rewards for the  
15 farmer are very limited. But, Liz, I can say that,  
16 I mean, I can tell you--

17 MS. GRAZNAK: They should pay you more.

18 MR. ZAMORA: -- in the next three weeks  
19 I'll have a farm journal here with collaboration  
20 with the NRCS. I'll have a couple of other  
21 organizations, like ALBA doing a, you know,  
22 strawberry field day and that sort of thing. We

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1 had, I mean, you've -- I can name ten things that  
2 I'm doing this year, just collaborating with other  
3 people. But, yes, there is -- there seems to be  
4 very little that goes directly to the farmers that  
5 are being -- that collaborate in this situation  
6 for research. And, you know, sometimes it just  
7 -- the way that the grants -- and how the money  
8 funnels down and trickles down it's -- it needs  
9 to be -- it needs some arrangement there, I think.

10 So I just wanted to echo that, Liz.  
11 But don't give up because your name gets out there  
12 and then maybe you'll -- you apply for a grant and  
13 then maybe -- hopefully you'll get it, you know.

14 At least that's what happened to me. I got a CDFA  
15 grant to build some hedgerows. And it was, like,  
16 40 grand, which is really good. So anyway, that's  
17 all I wanted to say and -- yes, when it comes to  
18 that.

19 MR. POWELL-PALM: I'll kick it back to  
20 you, Wood.

21 MR. TURNER: Thanks for the  
22 discussion, everyone. I'd like just to reiterate

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1 Nate's point, I would just suggest that coming out  
2 of this meeting that you all, you know, bring your  
3 set of priorities back in front of your committees  
4 and make sure we've discussed and incorporated any  
5 new thinking any of you has on the -- and we'll  
6 get this document updated and kind of reflecting  
7 some of our real-time thinking on this. So thanks  
8 very much for that.

9 With that, let's move on over to Mindee,  
10 the lead on our work -- the committee's work --  
11 subcommittee's work on excluded methods. We have  
12 a proposal in front of the board.

13 Mindee.

14 MS. JEFFERY: Thank you. First off,  
15 I'd like to thank the materials subcommittee.  
16 This subject can really give a person stagefright  
17 and the Board has really answered the call to review  
18 drafts. So thank you very much, everyone.

19 The organic community consistently  
20 acknowledges that regulatory frameworks using a  
21 process-based approach in definitions as a trigger  
22 for regulatory oversight needs to be updated to

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1 remain relevant. We watch as new techniques in  
2 biotechnology rapidly outgrow our regulatory  
3 definitions requiring a high level of specialized  
4 knowledge to make clear distinctions when we are  
5 classifying excluded methods for this USDA version  
6 of organic systems. It is an untenable position  
7 as the biotech industry is rapidly outpacing any  
8 regulatory structure and his very difficult to  
9 track.

10 Before us in this meeting is a proposal  
11 to clarify which methods are considered excluded  
12 in organic production, specifically cell and  
13 protoclast fusion. In this case, we are making  
14 a minor clarification to the TBD list. This  
15 proposal seeks to remedy the information provided  
16 on these text tweaks as there is information in  
17 terms defined at 205.2, Policy Memo 13-1. And  
18 there were follow-up notes on both techniques left  
19 in the excluded message charts by previous NOSB  
20 work. It is clear from terms defined, the policy  
21 memo, the NOSB's work, and stakeholder feedback  
22 that our community is aligned with the proposal

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1 to list cell and protoplast fusion as excluded  
2 methods, except when the techniques are employed  
3 within taxonomic families, with a consistent  
4 suggestion from stakeholders for a language tweak.

5 In public comments one group expressed full  
6 support for the NOSB recommendation as stated in  
7 the published proposal with one small suggestion  
8 regarding the definition.

9 And do we have a slide there? Thank  
10 you.

11 We suggest that recombinant DNA be  
12 changed to in vitro nucleic acid technologies to  
13 provide a more comprehensive definition. In vitro  
14 nucleic acids technologies includes techniques  
15 including recombinant DNA and ribonucleic acid RNA  
16 techniques that use vector systems and techniques  
17 involving the direct introduction into the  
18 organisms of hereditary materials prepared outside  
19 the organism. Because it is not only DNA that can  
20 be manipulated, but also RNA and other materials,  
21 we find this definition to be more comprehensive.

22 In addition, this is the definition used by Codex,

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1       which brings our standards into alignment with this  
2       global standard.

3                       This was a consistent suggestion across  
4       stakeholder groups.     Seed companies expressed  
5       full support for this proposal.   Their comments  
6       represented along with a strong emphasis on the  
7       need to strengthen organic seed requirements.   One  
8       seed producer reflected that we are facing the  
9       potential stagnation of organic seed usage and a  
10      weakening in the resiliency and public perception  
11      of the organic produce market.   Another group  
12      noted that the transgression of excluded methods  
13      into organic systems continues to create an unjust  
14      playing field with the burden falling squarely on  
15      the shoulders of growers and markets that do not  
16      benefit from, and in fact, are harmed by the  
17      presence of these excluded methods.

18                      Here, I would echo the notion that the  
19      best way to prevent excluded methods  
20      transgressions in seed supply is to grow our  
21      investment in certified organic seed.   I was happy  
22      to hear that stakeholders have elevated this issue

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1 as a priority and thank Dr. Tucker for reflecting  
2 the concern in the program update yesterday. And  
3 thank you, Kiki, for your presentation.

4 Farmers and producer groups were also  
5 in full support of the passing of the proposal,  
6 also suggesting the amendment to the language.  
7 In conclusion stakeholders agreed that the  
8 determinations for when and where both techniques  
9 are to be allowed or excluded as outlined in the  
10 proposal language are correct with this minor  
11 adjustment, as you can see on the slide. The  
12 materials subcommittee was concerned that the  
13 suggested language amendment would constitute a  
14 substantive change, sending us back to work in  
15 subcommittee. We raised this concern and would  
16 like to thank that program for providing the  
17 clarification that this is a technical correction  
18 that can be addressed in our cover letter should  
19 we pass the proposal.

20 And there I will take your questions.

21 MR. POWELL-PALM: Yes. Thank you for  
22 this work, Mindee. This has been a huge lift.

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1 So I really appreciate your expertise and time  
2 here. Brian has a question for you.

3 MR. CALDWELL: No. I just want to  
4 thank Mindee for her tremendous work on this over  
5 a long period of time. And she's intending on  
6 going a long way into the future with it too, and  
7 get more of these TBD lists, you know, resolved,  
8 which they've been hanging around for over a dozen  
9 years, some of them. So I really appreciate that.

10 And one last comment as we move forward is that  
11 -- just want to point out that the definition of  
12 excluded methods talks about the -- I'm going to  
13 read it here: A variety of methods used to  
14 genetically modify organisms or influence their  
15 growth and development by means that are not  
16 possible under natural conditions, et cetera.

17 And I just want to point out that whole  
18 thing of -- that whole point of it's the means,  
19 not the ends, that they're talking about. So  
20 sometimes a genetic change could have happened  
21 naturally, but you just use other means to  
22 accomplish it. But it's the means that we're

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1 looking at, not the ends. So that's -- it's kind  
2 of a subtle distinction, but it's really important  
3 as we move forward with some of these gene editing  
4 techniques and other aspects where the changes  
5 might have been possible naturally if, like,  
6 everything had been given 50 years of, like, you  
7 know, millions of crosses and you could finally  
8 get that thing. But what we're talking about here  
9 is whether the means used to accomplish that same  
10 goal are allowed or not. So that's just my little  
11 caveat there with everything. But thanks so much,  
12 Mindee.

13 MR. POWELL-PALM: Amy, please go  
14 ahead.

15 MS. BRUCH: Yes. Thank you, Mindee.  
16 This is incredible work, very important to our  
17 community, just clarity on these issues. And one  
18 comment that really echoed with me just even  
19 throughout this whole -- throughout our whole work  
20 agenda is just the importance of elevating these  
21 issues outside of the handbook for our standard  
22 operating procedures and getting them really coded

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1 in the regulations. So instead of them being  
2 voluntary, we can really have some meat for  
3 regulation. So just wanted to bring that comment  
4 forward and highlight that. Thank you.

5 MR. POWELL-PALM: Thank you, Amy.

6 Any other questions, or comments, or  
7 discussion?

8 MR. TURNER: Wood.

9 MR. TURNER: I just want to say really  
10 quickly --

11 Sorry, Javier.

12 I just want to say really quickly, again  
13 -- just giving props to Mindee for the passion and  
14 the sense of purpose she has for this work. It's  
15 just -- it's infectious for all of us. And I think,  
16 you know, if we can all bring as much of that energy  
17 to everything we do, it's -- we're going to be an  
18 effective board. So I just wanted to say that.

19 MR. POWELL-PALM: Amen. Thank you for  
20 that, Wood. I couldn't agree more.

21 Javier, please go ahead.

22 MR. ZAMORA: Hey, Mindee I -- this is

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1 kind of -- this is where I find myself a little  
2 crossroads. I'm trying to understand what exactly  
3 this wording change will mean. And to me, it feels  
4 like there is some sort of a need for me to have  
5 some examples of what is it that they're talking  
6 about. Because I -- when you start thinking of  
7 -- listening to some of the comments like, you know,  
8 advancing plant propagation or something that  
9 could potentially happen in 50 years and you're  
10 going to speed the process, it just sounds like  
11 GMO to me. And it's just, I mean, I'm not, you  
12 know, I don't have the knowledge to really  
13 understand how this process work. So I am going  
14 to need some help and really to make -- to  
15 understand what exactly this excluded method it's  
16 trying to accomplish. And who, you know, who's  
17 really asking for this change if in fact it's a  
18 change, or it just the wording on how it's written.

19 MS. JEFFERY: Is your question  
20 specifically in addressing the word change in the  
21 proposal, or do you want me to give you a larger  
22 overview of the excluded methods issue?

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1                   MR. NANDWANI: I think I mean, if --  
2 we probably are out on time, but I will probably  
3 like to hear you just so I can understand that.

4                   I'm sure there is a lot of people that don't really  
5 have the knowledge exactly of -- especially in the  
6 farming community, that what is it that the Board  
7 has been asked to look at or perhaps change?

8                   MS. JEFFERY: Yes. In this specific  
9 instance, how we go about -- how biotechnology has  
10 progressed, and how it applies the technology is  
11 happening so fast that, honestly, I just didn't  
12 get the words right with the recombinant DNA  
13 technology, that's a few years old way of  
14 addressing the issue. And so the in vitro nucleic  
15 acid technologies is a better update because now  
16 we need to use the -- they're using the technologies  
17 in more subtle and subtle ways inside the cell.  
18                   How'd I do, Dilip, did I get it right? Do you  
19 want to take -- do you want to speak further to  
20 that?

21                   MR. NANDWANI: May I add a quick  
22 comment, chair?

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1 MS. JEFFERY: Yes. Do.

2 MR. NANDWANI: I would say first thing  
3 Javier's question, and this is very simple and no  
4 one can deny it. Everybody will be agree that  
5 nucleic acids are RNA and DNA in the scientific  
6 world. So there is no doubt about that. Nucleic  
7 acid, if we change the term from recombinant DNA  
8 technology and we change to in viro nucleic acid,  
9 it rather -- it's helpful for us and organic  
10 community because, you know, let's say 20 years  
11 ago, 30 years ago, we had only DNA recombinant  
12 technology, but now we have RNA technologies also.

13 This COVID vaccine, by the way, just giving an  
14 example is -- it's from MRNA -- MRNA technology.

15 So nucleic acids are DNA as well as RNA. So in  
16 almost so many years now, we know about this and  
17 scientific world is using. So this is a correct  
18 term using the nucleic acid technology and we are  
19 including RNA. So that's good actually.

20 Now, the second question is whether we  
21 go about this and how, that's -- is still open and  
22 I'll leave it to the board.

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1                   Do you want me to add something else,  
2           Mindee?

3                   MS. JEFFERY: Well, Yes. I mean, it's  
4           a very complicated subject the way that we deal  
5           with excluded methods and I'd be really happy to  
6           go over that in depth. We have the definition and  
7           because the technology has moved so much over the  
8           years, the work were doing in this context is to  
9           keep up with biotechnology progress so that we are  
10          defining things that we will exclude because they  
11          are genetic manipulations, is the sort of the  
12          simple, fast way to say it.

13                  MR. NANDWANI: Correct.

14                  MS. JEFFERY: Yes. Now, we can keep  
15          talking about this, but in this particular  
16          instance, thank you for your explanation and your  
17          assistance, Dilip. I appreciate your expertise.

18                  MR. NANDWANI: No. You nailed it down  
19          correctly, exactly. I mean, you did very well.  
20          Thank you.

21                  MR. POWELL-PALM: Any other questions  
22          or discussion for Mindee?

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1 MS. JEFFERY: I really appreciate the  
2 written comments wherein someone referred to this  
3 as mind-bending subject. So we're all in it  
4 together.

5 MR. POWELL-PALM: All right. Well,  
6 not hearing -- oh, yes. Any others?

7 MR. TURNER: No. I just wanted to --  
8 I'm happy to turn it over to you, Nate, in terms  
9 of how we're going to field it.

10 MR. POWELL-PALM: Sure. Yes. If --  
11 we have a proposal. So we are going to be voting.  
12 And so the motion is -- I'll let Mindee, I think,  
13 let's see --

14 You made the motion. Please repeat  
15 your motion.

16 MS. JEFFERY: It's pretty long. There  
17 -- it's on -- there's -- it's on the slide. There's  
18 two. Do you really want me to read the whole thing?

19 MR. POWELL-PALM: Not really.

20 So we can see the motions as displayed  
21 on the slide. The motion was made by Mindee and  
22 seconded by Logan. And if I have this right, Kyla,

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1 we're going to be starting with Carolyn, or are  
2 we starting with Rick?

3 MS. SMITH: I think I -- I think I have  
4 it starting with Rick.

5 MR. POWELL-PALM: Rick. Okay.  
6 Perfect. All right.

7 So Rick, what is your vote? Do we still  
8 have Rick? Let's see. Oh, he's almost back.

9 MR. TURNER: There he is.

10 MS. SMITH: You might have to tell him  
11 again. He may not have heard you.

12 MR. POWELL-PALM: Rick, you're going  
13 to be the first one to vote on this one.

14 MR. GREENWOOD: Yes.

15 MR. POWELL-PALM: All right. We have  
16 a yes from Rick.

17 Moving on down, Liz.

18 MS. GRAZNAK: Yes.

19 MR. POWELL-PALM: All right. And then  
20 Kim.

21 MS. HUSEMAN: Yes.

22 MR. POWELL-PALM: Mindee.

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1 MS. JEFFERY: Yes.

2 MR. POWELL-PALM: Allison.

3 MS. JOHNSON: Yes.

4 MR. POWELL-PALM: Dilip.

5 MR. NANDWANI: Yes.

6 MR. POWELL-PALM: Logan.

7 MS. PETREY: Yes.

8 MR. POWELL-PALM: Kyla.

9 MS. SMITH: Yes.

10 MR. POWELL-PALM: Wood.

11 MR. TURNER: Yes.

12 MR. POWELL-PALM: Javier

13 MR. ZAMORA: Yes.

14 MR. POWELL-PALM: Amy

15 MS. BRUCH: Yes.

16 MR. POWELL-PALM: Brian.

17 MR. CALDWELL: Yes.

18 MR. POWELL-PALM: Jerry

19 MR. D'AMORE: Yes.

20 MR. POWELL-PALM: And Carolyn.

21 MS. DIMITRI: Yes.

22 MR. POWELL-PALM: And the chair votes

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1       yes.

2                   MS. SMITH:    I have 15 yes, 0 no, 0  
3       abstain, recused, absent.  The motion passes.

4                   MR. POWELL-PALM:  If I were in person  
5       again, a big applause for the work Mindee did to  
6       get us all through this.  It was incredible work.

7                   MS. JEFFERY:  Everybody, like I said,  
8       I was begging people to read things again and they  
9       did.

10                  MR.   POWELL-PALM:       So  thank  you,  
11       everybody, so much.  That concludes today.  We're  
12       going to pick up DTO and finish off the material  
13       subcommittee agenda tomorrow during the deferred  
14       votes period.  And tomorrow we're going to start  
15       off with another heavy hitting group, and that is  
16       the crops subcommittee.  And we're going to have  
17       a lot of good work to do there.  And then after  
18       crops we'll go to lunch.  Policy development will  
19       be next.  Go into our deferred votes review, NOSB  
20       work agenda and material updates.  Give a formal  
21       welcome to our new members, and then have other  
22       business.

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1                   So any closing questions from the board  
2                   or Jenny?

3                   MS. SMITH:   Just clarifying.   So we're  
4                   just going to start with crops not finish out  
5                   material which is DTO.   Okay.

6                   MR. POWELL-PALM:   Correct.   Yes.   So  
7                   we're going to -- in our agenda where we see  
8                   Deferred Votes, we're going to put the rest of  
9                   materials in that time slot.

10                  MR. TURNER:   I missed that.   I didn't  
11                  hear that.   Okay.   So got it.   Thanks for asking  
12                  the question, Kyla.

13                  MR. POWELL-PALM:   Thanks for asking,  
14                  Kyla.   Appreciate that.   Yes.

15                  MR. GREENWOOD:   And I appreciate it  
16                  because with a couple of things we may take a fair  
17                  amount of time.   So that'll be -- by the way, I  
18                  left the camera to separate one of my dogs from  
19                  a very large snake.   So that's --

20                  MR. POWELL-PALM:   Oh.   Very good.

21                  MR. GREENWOOD:   We're all living,  
22                  though.

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1 MS. TUCKER: That's going to be in the  
2 transcripts for this meeting.

3 MR. GREENWOOD: And it probably  
4 deserves to be there. They know it's real.

5 MS. TUCKER: Definitely. Definitely.  
6 Your dogs deserve to be captured in perpetuity  
7 there.

8 Nate, beautiful job today.

9 MR. POWELL-PALM: Thank you, everyone.  
10 Today was a great day. I have nothing but deep  
11 gratitude again, for all of your work and bearing  
12 with us, and to our speakers today, and always to  
13 Michelle for keeping us afloat. So thank you,  
14 everybody, again, and we we'll see you tomorrow.  
15 All right. Take care everyone.

16 MS. SMITH: Thanks, everybody.  
17 Right. So I'm going to stop the recording.

18 (Whereupon, the hearing in the  
19 above-entitled matter was concluded at 5:32 p.m.)  
20  
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UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

SPRING 2022 MEETING

+ + + + +

THURSDAY  
APRIL 28, 2022

+ + + + +

The Board met via Videoconference at  
12:00 p.m., Nate Powell-Palm, Chair, presiding.

PRESENT

- NATE POWELL-PALM, Chair
- MINDEE JEFFERY, Vice Chair
- KYLA SMITH, Secretary
- AMY BRUCH
- BRIAN CALDWELL
- JERRY D'AMORE
- CAROLYN DIMITRI
- ELIZABETH GRAZNAK
- RICK GREENWOOD
- KIM HUSEMAN
- ALLISON JOHNSON
- DILIP NANDWANI
- LOGAN PETREY
- WOOD TURNER
- JAVIER ZAMORA

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NOP STAFF PRESENT

MICHELLE ARSENAULT, Advisory Committee Specialist

JARED CLARK, National List Manager

DAVID GLASGOW, National Organic Program Associate  
Deputy Administrator

ERIN HEALY, Standards Division Director

ANDREA HOLM, Materials Specialist

DEVON PATTILLO, Standards Acting Assistant  
Director

DR. JENNIFER TUCKER, National Organic Program  
Deputy Administrator; Designated Federal Officer

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Biodegradable biobased mulch film .....

Boric acid .....

Sticky traps/barriers .....

Elemental sulfur .....

Coppers, fixed .....

Copper sulfate .....

Polyoxin D zinc salt .....

Humic acids .....

Micronutrients: Soluble boron products .....

Micronutrients: Sulfates, carbonates, oxides, or  
silicates of zinc, copper, iron, manganese,  
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Welcome New NOSB Members .....

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Adjourn .....

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1 P-R-O-C-E-E-D-I-N-G-S

2 (12:03 p.m.)

3 MS. PETREY: -- I need to -- the webinar  
4 is being recorded and we'll have a full transcript  
5 of the entire meeting, including the two comment  
6 webinars from last week that will be available a  
7 couple of weeks after the conclusion of the meeting  
8 today. All right. Nate, I am going to turn it  
9 over to you.

10 MR. POWELL-PALM: All right. Thank  
11 you and good morning, everybody. We had a good  
12 rain here last night, so I'm just reveling in my  
13 sprouting seeds. I hope everyone's doing well out  
14 there today. If I might, and I know this is a  
15 burden on all of my fellow members. If we could  
16 go through role call again. And again, if you  
17 would report to the group what you found most  
18 exciting and innovative, delightful about  
19 yesterday. I was really, I think it's a really  
20 good reflection. We had some wins yesterday as  
21 a group. Our work really sailed through. So I'd  
22 love to hear some reflections on that. And we'll

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1 go quickly and then dive into crops, which will  
2 be ever more exciting. But if we wanted to get  
3 kicked off, it'll be a way that we all wake up  
4 together and get that -- get things rolling. So  
5 to start I won't make you go first every time Amy,  
6 so I'm going to start with Brian.

7 MS. BRUNCH: Oh, no, you have to go with  
8 a Z. Wood and Javier having to go at the end.

9 MR. POWELL-PALM: You're right.  
10 You're right. Okay. So let's start with Wood.  
11 So he's not always at the end here.

12 MR. TURNER: Now the pressure's on --  
13 I shouldn't -- I should've never said that. Why,  
14 why in the world? Well, let's see, Wood Turner  
15 happy to be here today from California. You know,  
16 I think since the research priorities process has  
17 been so -- we've also leaned into it and events  
18 eventually did entered of what it really means and  
19 that really works. I feel like we got some clarity  
20 onto the what that -- what the impact of that  
21 process can be and through our role and I thought  
22 that was great yesterday, so thanks.

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1                   MR.     POWELL-PALM:            Absolutely.  
2     Javier, please go ahead.

3                   MR.     ZAMORA:    Good morning, everyone.  
4     Buenos dias.  I just felt a lot more comfortable  
5     yesterday and I'm just amazed on the wealth of  
6     knowledge on some of that new Board members and  
7     some of the, you know, older Board members and just  
8     how cohesive this Board is on how such a good work  
9     that's getting done.  Yes.  Excited.

10                  MR.     POWELL-PALM:   Hear, hear.  Amy,  
11     please go ahead.

12                  MS.     BRUNCH:    Thank you, Nate.  Welcome  
13     from Nebraska.  Hopefully, we'll get that rain  
14     that you had, Nate.

15                  MR.     POWELL-PALM:   We're sending it  
16     your way.

17                  MS.     BRUNCH:    Maybe today because we're  
18     east of you, yes, hopefully.  Anyway, gosh, I was  
19     at -- I was thinking I was going to go at the end.

20     But yesterday, just in reflection, I was really  
21     impressed with the different perspectives that the  
22     Board was able to discuss.  I was really overjoyed

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1 by just the new member participation. I loved  
2 Dilip's relevant anecdotes to the excluded  
3 methods, and just providing some additional  
4 technical information. I know each and every one  
5 of you have a great perspective and I'm looking  
6 forward to having and hearing more of that in our  
7 conversations. Thank you.

8 MR. POWELL-PALM: Thank you, Amy.  
9 Brian, please go ahead.

10 MR. CALDWELL: Hi, Brian Caldwell,  
11 here from Central New York, where we had snow  
12 flurries yesterday, which was kind of amazing for  
13 me, but I was really sort of intrigued by the seed  
14 discussion. And I felt like it could have gone  
15 on for hours because there were a whole bunch of  
16 issues that I had thought of, but we didn't have  
17 enough time to really cover it. And it's such an  
18 important issue, and it has just like everything  
19 else that we seem to get into here. The more you  
20 get into it, the more sort of nuances and  
21 convolutions there are. So I was fascinated by  
22 the seed discussion.

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1                   MR. POWELL-PALM: I think it speaks  
2 volumes to a lot of the issues as a community that  
3 we're experiencing. It kind of housed a lot of  
4 our concerns. So I think it spoke to a lot of  
5 folks. Thank you for that. Jerry, please go  
6 ahead.

7                   MR. D'AMORE: Hello. And I am  
8 probably still a little handicapped on volume.  
9 I thought I had it fixed, but it's not, so I'll  
10 talk loudly. I'm just going to have to echo the  
11 thoughts about our brand new class that came in.  
12 It just like -- looks like they've been around  
13 for a year already. I'm just in awe of you in the  
14 way you just have fit in and participated. So  
15 thank you.

16                   MR. POWELL-PALM: Hear, hear. Next up  
17 we have Carolyn.

18                   DR. DIMITRI: Good afternoon,  
19 everyone. I'm not a farmer, but I do -- can tell  
20 you it is cold outside in New York City. I had  
21 to wear down coat today. I quite enjoyed the  
22 conversation and the presentation on seeds. And

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1 I think there are a lot of really interesting  
2 economic issues worth studying in terms of adoption  
3 of organic seed and how that will play out over  
4 the future. Thank you.

5 MR. POWELL-PALM: Thank you. Rick?

6 MR. GREENWOOD: Yes. Rick Greenwood,  
7 calling in from the San Diego area of California.

8 And I think I want to echo what Wood said. I've  
9 been on the Board for a long time and we've worked  
10 on research priorities. And I never really felt  
11 that they went anywhere. We spent a lot of  
12 discussion, had a lot of priorities and then they  
13 just disappeared and I think having the discussion  
14 and knowing that they get acted on and that if we  
15 can close the loop. So we really know what happens  
16 to them. I think it's going to make the whole issue  
17 of finding the priorities more important. It's  
18 one thing to work on and stuff. But if you don't  
19 think it goes anywhere, it seems like a meaningless  
20 activity. So I thought that was great. And the  
21 other thing is how well we're working as a Board.  
22 I mean, it really seems like we're a well-oiled

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1 machine, so I'm impressed.

2 MR. POWELL-PALM: As our senior  
3 member, that is very meaningful coming from you  
4 because we have no point of reference. Other than  
5 this is what --

6 MR. GREENWOOD: I hope you mean, the  
7 longest serving member, not the --

8 MR. POWELL-PALM: Longest-serving  
9 member, of course.

10 MR. GREENWOOD: Not the most senior  
11 member, although that's probably true also.

12 MR. POWELL-PALM: Well, thank you for  
13 that. Liz, please go ahead.

14 MS. GRAZNAK: Good morning from  
15 Mid-Missouri. Liz Graznak, Happy Hollow Farm.  
16 I still definitely feel new and that there is a  
17 whole lot that I need to learn. But I really am  
18 enjoying myself and I did also really appreciated  
19 the two presentations about seeds and research in  
20 the role of NIFA yesterday, those were great.

21 MR. POWELL-PALM: Thank you for that,  
22 Liz. Kim?

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1                   MS. HUSEMAN:       Hi, good morning.  
2                   Kimberly Huseman, I'm in Windsor, Colorado. From  
3                   yesterday's conversations beyond what's already  
4                   been mentioned, I'm going to give a shout out to  
5                   Kyla. Your description and how we talked about  
6                   the classifications as we're looking at sunsets,  
7                   and the early days of sunsets, and I've noticed  
8                   over the past three years, or my time on the Board,  
9                   is going to my third year, how we're all, you know,  
10                  we're talking about are things properly classified  
11                  and what are those classifications like at -- or  
12                  look -- need to look like. So your expertise there  
13                  is very well welcomed on the Board, so shout out  
14                  to you.

15                  MR. POWELL-PALM:       Hear, hear.  
16                  Mindee, please go ahead.

17                  MS. JEFFERY:       Similar echo, a lot of  
18                  the thoughts from the deliberate -- on the new  
19                  members and all the presentation information, and  
20                  I really appreciate our ability to deliberate.  
21                  And just want to thank everybody for bringing the  
22                  heat on my sunset.

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1 MR. POWELL-PALM: We saw an  
2 opportunity, talked about those pig intestines,  
3 and we were rescued. Allison, please go ahead.

4 MS. JOHNSON: Hi, everyone. Yes,  
5 aside from the beautiful picture of a barrel of  
6 intestines that I'm going to hold in my head for  
7 a long time. I was really pleased and surprised  
8 at how much cohesion and there was on just core  
9 organic principles yesterday, QUATs and excluded  
10 methods. It's just really clear that there's a  
11 lot of consensus about what should and shouldn't  
12 be in organic. And I appreciate all the  
13 stakeholder help in, you know, getting the words  
14 just right, but, especially, you know, coming in  
15 as a new person from, like, a moderately engaged  
16 organic consumer position, you hear a lot of  
17 controversy and focus on disagreement on the  
18 outside. So it's really affirming to remember how  
19 much agreement there is, and I'm excited for that.

20 MR. POWELL-PALM: Absolutely. Thank  
21 you for that. Dilip, please go ahead.

22 DR. NANDWANI: Good morning, can you

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1 hear me well? I changed my microphone today.

2 MR. POWELL-PALM: Yes.

3 DR. NANDWANI: Good. Thank you.  
4 Good morning again from Tennessee. It's nice  
5 weather today, it's a little bit warm. It was very  
6 cold yesterday, around 40 degrees, so that's  
7 exciting. Well, yesterday, the second day of  
8 meeting went very well and I am thankful to all  
9 the members and administrators, you know, for their  
10 support. I presented my sunset and I kind of  
11 stumbled when Brian asked me the question and I  
12 told myself that, Dilip, you have to be prepared  
13 next time. So I learned something, but it's very  
14 exciting of course, and learning. And I found that  
15 both speakers, Kiki (phonetic) and Dr. Gwajio  
16 (phonetic) both were excellent and I learned a lot  
17 of new information and thanks for the update they  
18 provided. Thank you.

19 MR. POWELL-PALM: Thank you. Logan,  
20 please go ahead.

21 MS. PETREY: I've got a touch-screen  
22 computer now, so it's super easy. Anyways, I want

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1 to thank you all for accommodating my tardiness  
2 yesterday so I could vote and apparently I missed  
3 the intestinal bill with Mindee, so I'm super glad  
4 you all could accommodate me.

5 MR. POWELL-PALM: You'll get a chance  
6 in the fall.

7 MS. PETREY: That's all right. I'll  
8 get the stomach for it. So yes, congratulations  
9 to all the new members. You all participate very  
10 well and way more than I did my first year. So  
11 you're bold, if anything. So you're doing great,  
12 but it wasn't the two presentations, you know,  
13 mentioned that the research that we do have an  
14 impact on what the research becomes. But -- and  
15 then also with the seed, it looks like we're also  
16 looked at for implementation of things. So it is  
17 neat to see the whole cycle of -- you know, we're  
18 looked at for the ideas and innovation and also  
19 the implementation. I think as long as we continue  
20 with both of those people will keep coming to the  
21 Board for action and so that does make our stance  
22 more powerful. So thank you.

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1                   MR. POWELL-PALM: Thank you for that  
2 absolutely. Kyla, please go ahead.

3                   MS. SMITH: Thanks, everybody. I'm  
4 here from -- with you today from Central  
5 Pennsylvania. Kim, you'll be happy to know that  
6 I already have a spreadsheet started tracking all  
7 of the re-classifications suggestions that have  
8 come in for public comment. Anyway I -- of course,  
9 I'm like super happy and proud of Allison and Dilip  
10 as fellow handling subcommittee members on their  
11 first sunset presentations. And then the second  
12 thing that I was excited about was Mindee's  
13 presentation on excluded methods, and like getting  
14 off of our work agenda and continuing to chip away  
15 at that. And hopefully we'll see some action from  
16 the program side. So excellent work carrying that  
17 through, Mindee.

18  
19                   MR. POWELL-PALM: And I'll close this  
20 out. Nate Powell-Palm, Bozeman, Montana, Cold  
21 Springs Organics. I wish I could just go through  
22 and list all of the things I appreciate about each

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1 and every one of you from yesterday because it was  
2 just such a team effort to get through the agenda.

3 But I want to give a special shout out to Wood  
4 because CPC is hard and I think that was really  
5 well managed. You drove that train right. And  
6 we were able to deliberate. It felt safe. It was  
7 very comprehensive. And thank you for your  
8 leadership on that. And I know you've given a  
9 shout out to Mindee, but one more because excluded  
10 methods very tricky and very core to our values.

11 And so the fact that we got through that and we  
12 weren't all crying or frustrated is a testament  
13 to your leadership. And just the groundwork that  
14 you laid for us to engage this debate in this  
15 discussion with a lot of really good information  
16 two of the other things I wanted to throw in. It  
17 was just so awesome when we were discussing CPC  
18 and Rick came in with that real world example of  
19 medical application. This is the expertise that  
20 this Board brings is having where we are internally  
21 able to have really incredible conversations just  
22 with the 15 of us. It's a lot of expertise on this

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1 Board, so thank you for bringing that.  
2 Additionally, a shout out to Dilip. When he came  
3 in with the discussion about what into -- I need  
4 to get it right, nucleic acid is, and how we're  
5 looking at being really practical but really  
6 effective with our wording and our definitions.  
7 So thank you, Dilip, for bringing that. Shout  
8 out to all of you as well. The participation was  
9 great we got a lot of great work done. One more  
10 day, guys. And we're going to get through it, so  
11 --

12 MS. JEFFERY: Okay. I'm going to stop  
13 you there for one second, Nate and just take a  
14 minute to like shout you out for great leadership  
15 in your first meeting and really being able to  
16 address all those higher level topics with a lot  
17 of class.

18 MR. POWELL-PALM: I appreciate that.  
19 Well, it's a pleasure and an honor to work with  
20 you all. One more shout out I wanted to give.  
21 And I think this really speaks to a lot about the  
22 community, but Jenny has been at this work for

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1 10-plus years now. That's huge. I think when we  
2 think about how does organic really develop. You  
3 got to have leadership that sticks around, gets  
4 that institutional knowledge, and can keep leading  
5 us. So Jenny, we hope you have at least another  
6 10 or 20 in you, because we need your leadership  
7 and really appreciate your guidance on all of this,  
8 so thank you. Any other shout outs?

9 DR. TUCKER: It's an honor to work with  
10 all of you.

11 MR. POWELL-PALM: Yes. Thank you.  
12 And this is the --

13 MR. GREENWOOD: One --

14 MR. POWELL-PALM: Go ahead, I'm sorry.

15 MR. GREENWOOD: Nate, just one  
16 comment. Yes. No, just one comment for Jenny.

17 I was so impressed the other day with all the  
18 numbers that you remember of all the different  
19 categories and for a while I was going to write  
20 them down and see if you were making them up, but  
21 apparently they're real. So that was very  
22 impressive. I don't --

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1 DR. TUCKER: I have an amazing team  
2 here and so -- I know I get to talk to you guys,  
3 but, you know, the notes that I have all come from  
4 an amazing team that makes me smarter every day.

5 So it is a privilege to work with them and that's  
6 why I get up every day and coming here is why I  
7 continue to work with organic. So thank you all.

8 Nate, your leadership during this meeting has been  
9 fabulous, I'm really grateful. And I totally  
10 agree about how smart and talented this Board is.

11 It's very humbling.

12 MR. POWELL-PALM: Thank you,  
13 everybody, again. All right. So Rick, are we  
14 ready for some crops?

15 MR. GREENWOOD: We are and we have a  
16 lot, I think there's 15 sunsets today, but we start  
17 off with two proposals. And the first one is the  
18 highly soluble nitrogen fertilizers, which seems  
19 like we've been discussing for a long, long time,  
20 started with Steve Ela working with Amy and then  
21 Steve took off for some reason and left it with  
22 Amy. So Amy, why don't you get started and then

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1 we'll open it up for discussion.

2 MS. BRUNCH: Yes, no problem, Rick.  
3 Thank you. And I do want to recognize Steve's  
4 efforts in making this proposal take shape. He  
5 also participated, bless his heart, in the comment  
6 process. So post-Board service, he has been very  
7 vocal on just expressing how important organic --  
8 the organic industry is. So thank you, Steve, I'm  
9 sure you're listening today. Anyway, I want to  
10 separate this. This is a little bit complicated  
11 as you could tell, the proposal wrote was pretty  
12 extensive so I just want give some history, so  
13 everybody can come to speed pretty quickly on this  
14 and then dive into some of the stakeholder  
15 comments.

16 So just as a recap, the vote at the fall  
17 NOSB meeting to prohibit ammonia extracts is an  
18 example of when a new material meeting organic  
19 definition of naturally derived enters the organic  
20 marketplace without a review process as to whether  
21 the material complies with OFPA or not. And this  
22 a little bit is in relation to what Kyla had

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1 mentioned, the differences between how substances  
2 are handled in the crops livestock committees  
3 versus handling. Today, this proposal, which is  
4 actually a practice standard and not the  
5 prohibition of a material is in response to the  
6 Board and other stakeholders' concerns that this  
7 new emerging category of non-synthetic highly  
8 soluble nitrogen fertilizers that fall outside of  
9 the definition of ammonia extracts will be  
10 developed in the future, having no limits or  
11 restrictions prior to being circulated and used.

12 So as a commenter stated last fall,  
13 highly soluble nitrogen sources cannot be  
14 addressed in a vacuum, we can't look at these  
15 substances one at a time because actually there's  
16 going to be a proliferation of them. So we must  
17 take a broader approach to limit highly soluble  
18 nitrogen sources as a whole and not substance by  
19 substance. So the program history and precedence  
20 dating back to when the final rule was approved  
21 in 2000, the NOP agreed with the NOSB  
22 recommendation and put specific regulation of

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1 substances of higher solubility. The NOSB has  
2 also set precedence with certain substances,  
3 including sodium nitrate and others just with  
4 prohibiting them or putting restrictions for use.

5 In 2009, the NOP advised vigilance in  
6 the approval of all liquid fertilizer products and  
7 then in '11 official guidance was used in relation  
8 to nitrogen liquid fertilizers that had an analysis  
9 of greater than three percent. And again,  
10 yesterday we spent some time discussing the  
11 handbook versus actual regulation. So today what  
12 we're discussing, actually couldn't be anticipated  
13 by OFPA. This is a very new emerging category.

14 So the rationale for the practice standard is  
15 basically to prevent the widespread use of  
16 non-synthetic, highly-soluble nitrogen sources,  
17 while allowing for restricted use of these  
18 materials in critical situations, which was an  
19 important component vocalized by our farmer  
20 stakeholders. One of those instances in  
21 particular is actually abnormal weather. In  
22 general, the comments from long-time organic

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1 organizations, growers, and even a manufacturer  
2 of natural sodium nitrate tended to be in favor  
3 of limiting highly soluble nitrogen fertilizers  
4 based on organic principles of enhancing soil  
5 biological processes.

6 So a few things that this proposal  
7 clarified, because this was sent back to  
8 subcommittee last fall. So the clarifications  
9 included the wording, we change nitrogen products  
10 to nitrogen fertilizers. There was clarification  
11 to how fertilizer blends were calculated and why  
12 that component, why that piece was important,  
13 clarification on the calculations. Many examples  
14 were included. Several certifiers and farmers  
15 mentioned that the calculations were clear. Some  
16 certifiers mentioned that, with additional  
17 guidance from the NOP, this could be executed.

18 Clarification on placement. So the  
19 proposal is indicating this practice standard he  
20 placed at 205.105. Ultimately, the placement will  
21 be left up to the NOP, but the intent is that this  
22 listing applies equally to all producers of food

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1 crops, similar to the materials placed in 205.602  
2 or 205.105. Through recent public comments, there  
3 are four additional areas that I want to discuss  
4 before we wrap this up.

5 Relationship to OFPA. As was  
6 determined with ammonia extracts, the use of highly  
7 stable nitrogen fertilizers may not be compatible  
8 with organic production. Many commenters noted  
9 that the unrestricted use of HSN fertilizers runs  
10 counter to organic principles outlined in  
11 regulations and pointed to environmental concerns,  
12 while others say there's a need for more consistent  
13 research specifically on organic land.

14 The second one being OFPA versus OSP,  
15 organic system plans. As a commenter mentioned,  
16 the NOSB should not restrict the ability of farmers  
17 to develop the best organic system plan for their  
18 site-specific conditions. And just as a reminder,  
19 the individual's OSP, the organic system plan,  
20 defines how you remain in compliance with organic  
21 standards. It doesn't set your organic standards.

22 Solubility versus 3:1. And this was

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1 definitely in -- a concern in a topic that this  
2 prop subcommittee spent a lot of time discussing.  
3 And there were several public comments about  
4 solubility versus 3:1. In general, for  
5 solubility, finding a percentage above which a  
6 limit is triggered is actually difficult to justify  
7 and becomes difficult to test for. Using a C:N  
8 ratio seems more complicated, but actually makes  
9 setting a limit easier. Highly-soluble nitrogen  
10 fertilizers contain mostly ammonia or nitrate  
11 forms of nitrogen. These forms do not have carbon  
12 associated with them and are immediately plant  
13 available and fall below a 3:1 C:N ratio. Organic  
14 products greater than 3:1 C:N ratio fit into the  
15 category of materials that require soil biotic  
16 transformation. To note, these protein and amino  
17 acid structures cannot be billed if there are fewer  
18 than three carbons to one nitrogen. The law return  
19 was also mentioned quite a bit in public comments  
20 and oral comments. The law return is important  
21 and essential to the organic way of farming, but  
22 organic farming as we've heard in other material

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1 discussions, is not the industry's waste bin.  
2 Rules and standards foster clear expectations and  
3 are in place to protect the integrity of the organic  
4 industry and define what can and cannot be  
5 recycled.

6  
7 And lastly, execution and  
8 implementation. I do recognize that there were  
9 some comments made discussing additional burdens  
10 in implementation. However, again, a crop  
11 advisor, some certifiers and farmers during oral  
12 comments said that the calculations were clear and  
13 resembled the steps taken for sodium nitrate. The  
14 proposal indicates that certifiers or material  
15 review organizations could develop a list of  
16 unrestricted allowed materials that could you  
17 reference to avoid continuous analysis. While a  
18 certifiers comment stated, we request the details  
19 of the formulation of these products. If you don't  
20 receive the information of these products, we just  
21 don't approve them. Last week also Wood made a  
22 pretty impactful comment at our public comments,

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1 just saying that bar for approval should be very  
2 high. In conclusion, this is a practice standard  
3 which is intended for all farms to prevent the  
4 widespread use of new non-synthetic, highly  
5 soluble nitrogen fertilizers, while also allowing  
6 for restricted use of these materials in critical  
7 situations expressed by farmers. I will leave you  
8 with the words of one farmer. The intent and goals  
9 of organic agriculture have helped to develop  
10 agricultural systems that will provide food over  
11 the long-term in ways that build our ecosystems,  
12 not reduce them. Organic practices are not simply  
13 a way of trying to maximize food production now,  
14 but they are in place to maintain food production  
15 over the long-term while building and protecting  
16 the resources required to grow the food. That  
17 commenter ends with please stop and take a step  
18 back and think about what an organic system means  
19 to use as you consider your vote. And with that,  
20 I turn it over to Nate or sorry, maybe Rick.

21 MR. GREENWOOD: Yes. No, that's fine.  
22 Again, Amy, thanks for a great overview. I really

1 appreciate that. So open it up to comments and  
2 discussion from the Board.

3 MR. TURNER: I just wanted to ask the  
4 question you know, there were some comments that  
5 have indicated about the bookkeeping burden that's  
6 created by this proposal, the farmer -- the burden  
7 on the farmer and I just -- it was hard for me to  
8 get my head around those comments and I just didn't  
9 know if you had any thoughts on those or other folks  
10 who might -- who have some direct connection to  
11 those comments might be able to speak to that.  
12 I mean, it didn't -- as we've deliberated as a  
13 committee, it had not been an issue that I was  
14 concerned about and then to hear several  
15 commenters, either in verbal comments or written  
16 comments kind of indicate that was an issue. I  
17 wanted to just hear you speak to that, if you don't  
18 mind.

19  
20 MS. BRUNCH: Yes, absolutely, Wood.  
21 I'll start actually on that, and I would just invite  
22 the other farmer members of our Board to weigh in

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1 with their perspective as well. Yes, there was  
2 a wide range of comments on that particular issue,  
3 kind of indicating that every fertilizer will have  
4 to be analyzed to, or every nitrogen fertilizer  
5 will have to be analyzed to. Hey, we'll just check  
6 a box and say we don't use this and away we go.

7 So, you know, in summary, really, this is geared  
8 towards those fertilizers that farmers can see that  
9 have that high nitrogen component to, and it's not  
10 geared towards for as many where compost teas,  
11 composts, those traditional sources of fertility  
12 that organic farmers are using. This is geared  
13 towards sodium nitrate and some of these new  
14 complex lens that are coming down the pipeline.

15 So this is -- there were some farmer comments that  
16 said this is pretty -- it resembles calculations  
17 of sodium nitrates. And that is true. It can be  
18 just very simple, where it does get a little bit  
19 complicated is in these materials that are complex  
20 formulations. So it's not just a sodium nitrate  
21 product. It's a product that has several  
22 components and in these components there are

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1 substances of high solubility. That is where  
2 there is a little bit of extra work to be done.  
3 We'd need to deconstruct these materials into  
4 their components and figure out what each component  
5 contributes to the 3:1 ratio. If one is above a  
6 3:1 ratio, then that's where the restriction comes  
7 into play. So that's where the extra work does  
8 happen. And, you know, for me and my farm, I don't  
9 necessarily have to worry about that. I'm not  
10 going to be using these materials and I speak mainly  
11 on behalf of most the Midwest farmers. These are  
12 cost prohibited for us to use. We have to be  
13 resourceful, and use other ways, propagation,  
14 manure applications, in order to economically  
15 produce our organic crops. Others though, that  
16 do need to use these, they will have to: one, know  
17 what they're putting on their farms, and two, a  
18 certifier is going to have to also understand what  
19 is getting put onto these farms. So I don't want  
20 to go -- I could go a little bit further into this,  
21 but I wanted to open it up to the other farmers  
22 real quick, and then we'll go back into the

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1 questions. So --

2 MR. GREENWOOD: Okay. Wood, you're  
3 okay?

4 MR. TURNER: Yes. Rick, I had my thumb  
5 up, yes.

6 MR. GREENWOOD: Okay. Yes, I couldn't  
7 see you there. Okay. Nate?

8 MR. POWELL-PALM: Just jumping if I  
9 might speak to Wood's question a little bit more.  
10 Any burden realized from this will be on  
11 certifiers. Certifiers to the material reviews,  
12 this is not a farmer burden and full stop.

13 MS. GRAZNAK: As a farmer, whenever I  
14 want to add a new product, and it doesn't matter  
15 what it is, I submit that product request to my  
16 certifier and they do the back end work to make  
17 sure that it is able to be approved. So I don't  
18 feel like it's going to be any extra work for me,  
19 other than what I'm already doing, I guess, is what  
20 I could say from my perspective.

21 MR. GREENWOOD: Okay. Thank you.  
22 Allison?

1                   MS. JOHNSON:    Thank you.    I just  
2                   wanted to kind of tease out one observation.  I've  
3                   been working on this report on the benefits of  
4                   organic for several years, so it's hopefully  
5                   nearing it's finish, but I was looking back at  
6                   205.105 last night and I just wanted to highlight  
7                   that that's really where the core approach to  
8                   inputs and materials in organic lives, it's where  
9                   the big three prohibition is, it's where the  
10                  overarching prohibition on synthetics is, and the  
11                  rest of the connections to the national list.  So  
12                  to me it's a big deal to add something to 105, but  
13                  I do think it's the appropriate place for this  
14                  because it's -- my understanding is this is a signal  
15                  that fundamentally we're not focusing on quick fix  
16                  inputs, we're emphasizing use of compost, and crop  
17                  rotation, and cover crops and all of the things  
18                  that build soil health over time and so this would  
19                  be added as a core principle.

20                  MR. GREENWOOD:  Okay.  No, thank you.  
21                  Javier?

22

1                   MR. ZAMORA: Morning, you all. I  
2 think this is a little touchy subject as far as  
3 organic growers. I'm thinking of the small  
4 mid-size against the larger growers. I think  
5 there was something said that it's not just the  
6 nitrogen. I think there's -- it's not just the  
7 nitrogen in the fish. I think there's a little  
8 more beyond the nitrogen, that it's included in  
9 this new way of getting nutrients or nitrogen in  
10 this case. And I really think that there's some  
11 really good certifiers that look at details on how  
12 it's made and what's, you know, what the advantage  
13 for different ways of growing crops is puts a burden  
14 on them and it also makes it in a way more flexible  
15 for the ones that might not be enforcing the rules  
16 as good. Grower we see new products coming out  
17 in the market that are always -- who are being told  
18 that they're better. They help us grow things  
19 faster and they will give us better yields,  
20 sometimes not really knowing how those products  
21 are made. So it could be sometimes misleading.  
22       And I can tell you that, you know, the ratios

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1 sometimes mean very little to us. We just want  
2 to make sure it works. But we might be adding  
3 something that it's -- is not going to be benefit  
4 for the environment. So this is where we need,  
5 you know Board members, a little more higher  
6 educated than myself to really understand how these  
7 nutrients, how this nitrogen, it's being created,  
8 and how it's being utilized, that perhaps in the  
9 future or even right now might be given a leg up  
10 to the larger growers versus the small family  
11 grower that might not really -- not that doesn't  
12 have access to it, but it's not so available to  
13 them. So we have to think a minute. So I think  
14 there's just have a lot to talk about and listen  
15 to everyone as we're doing. But I'm still a little  
16 concerned about how this whole ratio will work and  
17 what the burden would be on growers. I'm glad that  
18 Nate saying that will be on the certifier, but  
19 that's a concern that I have. I'm really, really  
20 enforcing what we're hoping for here.

21 MR. GREENWOOD: No.

22 MR. ZAMORA: Thank you.

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1 MR. GREENWOOD: Thank you. No, sir.

2 I always good to get your perspective, Logan.

3 MS. PETREY: Okay. All right. I'm  
4 not going to go on a big soapbox, I promise, but  
5 I will go ahead and admit it, I was the one who  
6 voted no on this. I think you all are probably  
7 not very surprised. But anyway, because I was also  
8 the sole one to vote for ammonia extracts and I  
9 just want to make a quick statement. Just because  
10 a grower uses or has a need for high soluble  
11 nitrogen does not mean that cover crops and proper  
12 rotations are not used. That seems to be a  
13 misconception. It, you know, it may be cost  
14 prohibitive for certain types of grower, but it  
15 just completely cost prohibitive for us to have  
16 pale leafy greens that get harvested, rejected,  
17 that could cost like 20 grand an acre in crop loss.  
18 And so I actually am in favor of a 20 percent  
19 regulation because I do believe in the holistic  
20 system. I mean, we see it on our farm. And so  
21 I'm in favor of that.

22 My hesitation for voting that in is

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1 because of who decides who the crop needs are.  
2 You know, the references that we have are from,  
3 you know, universities that could be very behind  
4 on organics. And it gets complicated that is it  
5 the percentage of nitrogen or are they available,  
6 you know, does all of it become available. I think  
7 it is very complicated. We do it with sodium  
8 nitrate already. And so, yes, my hesitation  
9 started with who's going to tell me that that amount  
10 is, but after talking with some Board members and  
11 certifiers, it's going to be a negotiation with  
12 the farmer and -- from what I understand. And it  
13 currently is now. I haven't had any problems with  
14 it with any inspectors. And -- but I will say in  
15 the proposal it recommends that carrots are getting  
16 100, 150 pounds of nitrogen and that's not what  
17 we use. And so as long as it -- there is a  
18 discussion with the grower and what are you trying  
19 to obtain you know, it makes sense. You know and  
20 so as long as you know that is accommodated, it's  
21 fine. I agree with the 20 percent grow, everyone  
22 agrees with the 20 percent, you know. And most

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1 of the growers that even recommended the AE agreed  
2 with that 20 percent. So no, it's not as debatable  
3 as the other, you know -- as the other, petition  
4 that we had. So I'm sorry to be long-winded, but  
5 I do want to get that out that -- yes. We still  
6 do use cover crops and we still use other things.  
7 It's just -- it's a different farming system that  
8 requires something very quickly in -- and the crop  
9 loss timing can happen within a few days and the  
10 release curve on some of these natural can take  
11 two weeks depending on the temperature, you know,  
12 even if the temperatures get to the appropriate  
13 time. So thank you for the time.

14 MR. GREENWOOD: Okay. Thank you,  
15 Logan. Kyla?

16 MS. SMITH: Yes. Thanks, Amy, for  
17 your continued work on this. As Nate pointed out,  
18 us certifiers will be probably the most impacted.

19 And I would just say that, you know, depending  
20 on a particular type of operation, you know, and  
21 what you grow, you may or may not be impacted by  
22 this. But as a certifier, we have to apply all

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1 of the parts of the regulations to all the  
2 operations to figure out where the impact is and  
3 so that's the burden that we carry. And I feel  
4 like a lot of times, you know, with a lot of things  
5 within certification, it does fall to the certifier  
6 to implement and to enforce. And so because of  
7 that, I'm always looking at what's the impact that  
8 this is going to have, and is that impact worth  
9 it? Because every time it seems to be like, oh,  
10 well, this is going to fall -- like certifier has  
11 to figure out certificates, acreage on  
12 certificates, the certifier has to figure this out.

13 SOE, there's going to be tons of stuff for the  
14 certifier -- for us as certifiers as to figure out.

15 So every time we're -- I just want -- for me, that's  
16 my lens and that's what I'm constantly trying to  
17 address is what's the impact to the -- you know,  
18 to the organic industry as a whole and is that  
19 impact is going to be worth it? The answer could  
20 very well be, yes, absolutely but that's sort of  
21 the seat that I'm sitting in.

22 And then I just have a very specific

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1 question, and that is that, I saw in the public  
2 comment a lot of confusion around whether or not  
3 guano was a focus of this. And it seemed like to  
4 fall on both sides of the fence and so that's a  
5 question that I've been getting from certifiers  
6 and how specifically to evaluate that, and so I  
7 didn't know if you guys could -- if anybody could  
8 speak to that.

9 MR. GREENWOOD: Okay. Yes. Thank  
10 you. Just one comment. So I also live in a  
11 regulated world from FDA with a medical device  
12 company and there's always pain with new  
13 regulations, but that's part of the cost of doing  
14 business. So we complain and they throw new things  
15 on us and we have to hire more people to do  
16 regulatory affairs. But when you live in a  
17 regulated world that's a reality. So, Nate, why  
18 don't you go on and then we'll finish up with Amy  
19 answering the questions.

20 MS. SMITH: Could I say one thing back  
21 to that, I totally agree with you. However, I do  
22 think there's a lot of talk around keeping the cost

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1 of certification low. And so that's sort of the  
2 balance point about like we as certifiers need to  
3 implement all of these additional things which will  
4 largely require new staff or more training and so  
5 the costs of us doing business increase and then  
6 the way that we can increase our cost,  
7 unfortunately, at this point is to pass that along  
8 to operators. And so there is just a balance point  
9 there that we're all talking about already. But  
10 it's just a little bit tricky.

11 MR. GREENWOOD: Yes. No, I agree but  
12 it does cost a lot more money every time somebody  
13 comes up with a great idea, it costs more money  
14 there's no question about it and how you can pass  
15 that on or not and maybe that's where NOP can come  
16 in, in terms of maybe more funding for all of us.  
17 Anyhow, Nate, let's do that.

18 MR. POWELL-PALM: Thank you. I'm  
19 going to kind of bridge a little bit between Javier  
20 and Kyla. I think one thing certifiers do really  
21 well, and I say this from experience, is material  
22 review. They spent a lot of money, a lot of time

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1 really tackling the review of materials. So to  
2 Javier's concern that some certifiers might  
3 enforce this differently than others. The  
4 consistency across certifiers is admirable and  
5 it's where they put a lot of the resources and time.

6 So I would say that's not so much a concern that  
7 I would share, but rather confidence that I have  
8 that this gives good boundaries to certifiers to  
9 be able to effectively manage this growing world  
10 of novel fertilizer products. In doing so, they  
11 make more fair marketplace, but I do want to give  
12 just the greatest accolades to certifiers because  
13 as Kyla said, this is a lot of work and I really  
14 appreciate the certifiers that are eager to jump  
15 on this and willing to help us out.

16 MR. GREENWOOD: Okay. We have Amy and  
17 then Carolyn and then Brian, and then I think we  
18 need to wrap this up and move on.

19 MS. BRUNCH: Actually, Rick, I'll just  
20 defer to the end just in case Carolyn and Brian  
21 have some additional questions.

22 MR. GREENWOOD: Okay. Carolyn?

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1 DR. DIMITRI: Yes. My question is  
2 actually for Logan. Logan, can you talk a little  
3 bit more about, you know, the scenario that you  
4 gave is, like, is that crop-specific or is it like  
5 region-specific or is it depending on the weather?

6 MS. PETREY: Yes, I think all of the  
7 -- it is specific to all of that, Carolyn, because  
8 you'll have growers in very arid climates. And  
9 that won't need a high soluble nitrogen rescue  
10 treatment and that stated in the sodium nitrate  
11 as, you know, in the discussion of it is that these  
12 things happen. But in certain areas no, that  
13 doesn't happen. And it doesn't happen with us  
14 every season. So we don't use it in every planting  
15 that we have. But the condition would be like a  
16 spinach, which is a 40-day crop. And then two  
17 weeks prior to harvest we get a four-inch rain.

18 And then a few days later you're going to start  
19 to see it pale unless you respond immediately after  
20 with a high soluble nitrogen, that it can  
21 immediately take up. But if you were to apply an  
22 organic fertilizer or an organic, you know, natural

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1 fertilizer, you could be waiting 7, 10, 14 days  
2 for that fertilizer to break down to become  
3 available, and then to be uptaken by the plant.  
4 And by then, you get pale and it's really hard to  
5 bring a crop that's only 40 days old, you know,  
6 in age to recover. The time frame is very crucial.  
7 So that's just an example.

8 DR. DIMITRI: Can I just ask one  
9 follow-up question? Thank you. That was really  
10 helpful. So I think you told us yesterday or some  
11 day that your company is moving its production  
12 because of like climate concerns. So could we draw  
13 the conclusion that as we see climate change  
14 affecting agricultural more seriously over the  
15 next coming decades, that the use of something like  
16 this might become more important as producers start  
17 shifting what they're growing and maybe the regions  
18 that they're growing. It's a speculative  
19 question, I know, but --

20 MS. PETREY: It is, it is, but I've been  
21 to multiple conferences and produce, you know where  
22 there's a lot of California western companies that

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1       need or think long-term, how are we going to get  
2       to the east coast?  It's just a harder area to grow  
3       a certain things and not many have succeeded, you  
4       know, I bet a lot of them have failed just because  
5       the prices have to be different.  So yes, I would  
6       say logistically, you know, dealing with the  
7       freight issues that we already have and then with  
8       the water restrictions, I know our companies, you  
9       know, everybody's in water restrictions.  I know  
10      Rick can speak on that, so I would say yes.

11                   DR. DIMITRI:  Thank you, Logan.

12                   MS. PETREY:  Thank you.

13                   MR. GREENWOOD:  I have Brian and then  
14      Mindee and then Amy.

15                   MR. CALDWELL:  I think this is for Amy.

16       There were a few comments that were specifically  
17       focused on the the wording of the motion.  And it  
18       says these materials are three -- with the C:N ratio  
19       of 3:1 or less are limited unless use is restricted  
20       to a cumulative total of 20 percent of crop needs.

21       But I think what is actually meant to be said  
22       there, they are, restricted to a cumulative total

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1 of use of 20 percent of crop needs, and this whole  
2 little phrase there are limited unless use is  
3 restricted. It's a little bit redundant and a  
4 little bit confusing because you know, it says  
5 they're limited, but it really means that you can't  
6 do it unless the cumulative -- you can't use them  
7 for more than a cumulative total of 20 percent of  
8 crop needs. Do you see what I'm saying here? That  
9 the wording is a little clumsy and I'm wondering  
10 if we can fix that in the cover letter or just make  
11 it very clear that -- exactly what the meaning of  
12 that is there.

13 MR. GREENWOOD: Okay, thank you. And  
14 I'll let Amy respond, but, Mindee?

15 MS. JEFFERY: Go ahead, Amy.

16 MS. BRUNCH: Oh, okay. I guess  
17 specifically to Brian, yes, I did actually see that  
18 as well with some commenters and my opinion and  
19 that can be confirmed by anybody in this call is  
20 that, you know, we -- the intent of the motion is  
21 there to make it a little bit more clear on a  
22 non-substantive change I think is definitely in our

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1 purview, but the intent is that they would be  
2 restricted or, sorry, prohibited and then  
3 restricted to a cumulative total of 20 percent of  
4 crop needs.

5 MR. GREENWOOD: Great, thanks. Yes.  
6 Okay. Mindee and then Dilip.

7 MS. JEFFERY: Thank you. I really  
8 appreciate all the work and all the sides and all  
9 the depth of thinking that we have to go through  
10 and work like this. And I just wanted to say that  
11 I see this proposal as functional compromise. And  
12 organic farmers are conducting the symphony of the  
13 soil, and that's what we want. And I really see  
14 us as being on the yellow brick road with this  
15 proposal.

16 MR. GREENWOOD: Okay. Thank you.  
17 And then Dilip, and then back to Amy to sort of  
18 wrap this up.

19 DR. NANDWANI: Okay. This is a very  
20 fascinating discussion for me. And it can go on  
21 and on, but I have a just a comment, not a question,  
22 what has been said, and probably it goes to the

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1 roots of our principles of organic agriculture.

2 So if the higher nitrogen source coming from  
3 off-farm input, you have to look at that to keep  
4 that in mind. And if it is really low, like Logan  
5 said that, and then if we provide then plants will  
6 have to wait for a lot of days. And by the time  
7 the nitrogen is received, they may not perform  
8 accordingly. So I'm just wanted to say that the  
9 principle using the on-farm input, it's, where we  
10 are looking into that and the balance between the  
11 quantity, low versus high. That's the important  
12 point to keep in mind. That's all I wanted to  
13 comment. Thank you.

14 MR. GREENWOOD: Thank you. So, Amy do  
15 you want to wrap this up? And then I guess we go  
16 for a vote.

17 MS. BRUNCH: Yes, absolutely, Rick.  
18 And I appreciate the comments. Also, just the  
19 diverse panel of farmers that we have here. Kyla's  
20 comments that represent certifier's point of view.

21 I think this was really helpful discussion, Dilip,  
22 and Brian, as well, and Mindee. Just kind of in

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1 general, I think that was a great term that Mindee  
2 had mentioned kind of a functional compromise.  
3 I've had the ability to farm not only in Nebraska,  
4 but in the US, in Florida -- South Florida, Texas,  
5 and there -- I mean regionally, there are  
6 experiences that happen that isn't a one-to-one  
7 comparison for farmers. That's why I think that  
8 this is important we recognized that, the community  
9 recognizes that. And kind of as Logan mentioned,  
10 you know, this is -- it points to a comprehensive  
11 system and then supplementation when those  
12 environmental moments do occur to regulate the  
13 usage of these particular items.

14 So I think that the intend to the motion  
15 is very clear. I really strongly want everybody  
16 to think about right now, doing nothing, these are  
17 unregulated. These are considered non-synthetic  
18 substances that can be used with unlimited amounts.

19 So what we need to do and think about is putting  
20 these guardrails to offer more clarity in the  
21 situation. I know that maybe this isn't 100  
22 percent perfect in terms of clarity, but, right

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1 now, again, there is just no rules, no regulation,  
2 and it is up to the interpretation of certifiers.

3 So this at least gives some reference to what can  
4 be allowed, what's prohibited, and then what's  
5 restricted.

6 In terms of materials, there's a great  
7 chart that was put into the proposal. And there's  
8 a delineation, really, of substances that are above  
9 the 3:1 and below. Sodium nitrate and guano, Kyla,  
10 that was part of your question. Guano is right  
11 on the edge, and that one is probably the greatest  
12 of all materials that are currently in circulation.

13 Everything else is clear and guidance can be  
14 issued. So this re-analyzation every year of  
15 these substances does not need to take place. So  
16 really looking at MROs to be able to provide that  
17 guidance. But again, this is to put some  
18 boundaries on materials that are unregulated  
19 currently. And I think this is really no different  
20 than what we've done with excluded methods  
21 yesterday. And also our approach to bio-waste  
22 films that we've done in the past as well. So with

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1 that, in the interest of time, I'll turn it back  
2 over to Rick.

3 MR. GREENWOOD: Okay. And I guess  
4 what we need to do, Nate, is call for a vote on  
5 this.

6 MR. POWELL-PALM: Yes.

7 MR. GREENWOOD: Okay.

8 MR. POWELL-PALM: So we have a motion.  
9 Motioned by Amy Brooke, seconded by Brian  
10 Caldwell. And we are going to start the voting  
11 with Liz Graznak.

12 MS. GRAZNAK: Yes.

13 MR. POWELL-PALM: Kim Huseman?

14 MS. HUSEMAN: Yes.

15 MR. POWELL-PALM: Mindee Jeffery?

16 MS. JEFFERY: Yes.

17 MR. POWELL-PALM: Allison Johnson?

18 MS. JOHNSON: Yes.

19 MR. POWELL-PALM: Dilip Nandwani?

20 DR. NANDWANI: Yes.

21 MR. POWELL-PALM: Logan Petrey?

22 MS. PETREY: Yes.

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1 MR. POWELL-PALM: Kyla Smith?  
2 MS. SMITH: Yes.  
3 MR. POWELL-PALM: Wood Turner?  
4 MR. TURNER: Yes.  
5 MR. POWELL-PALM: Javier Zamora?  
6 MR. ZAMORA: Yes.  
7 MR. POWELL-PALM: Amy Bruch?  
8 MS. BRUNCH: Yes.  
9 MR. POWELL-PALM: Brian Caldwell?  
10 MR. CALDWELL: Yes.  
11 MR. POWELL-PALM: Jerry D'Amore?  
12 MR. D'AMORE: Yes.  
13 MR. POWELL-PALM: Carolyn Dimitri?  
14 DR. DIMITRI: Yes.  
15 MR. POWELL-PALM: Rick Greenwood?  
16 MR. GREENWOOD: Yes.  
17 MR. POWELL-PALM: And with great  
18 gratitude to certifiers, the chair votes yes.  
19 MS. BRUNCH: That's 15 yes, 0 no, 0  
20 abstain, recuse, or absent. The motion passes.  
21 MR. GREENWOOD: Okay. Thank you,  
22 everyone. So we'll go on next to Logan Petrey on

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1 the proposal for carbon dioxide, which is  
2 petitioned.

3

4 MS. PETREY: Thank you, Rick. All  
5 right. Okay. So carbon dioxide then it was being  
6 received a petition, requesting, is it synthetic  
7 carbon dioxide at 205.601 allowed for the use at  
8 (a) which is an algicide, disinfectant, sanitizer.

9 And (j) as plant or soil amendments. Carbon  
10 dioxide is understood to be a material with  
11 inherently low risk and is also approved as a  
12 processing aid. Okay. And soils with -- so the  
13 use of it in soils with high pH, applying water  
14 with a reduced pH can increase nutrient  
15 availability and increased plant health.  
16 Additionally, the activity of carbon dioxide and  
17 water can help prevent clogging of irrigation  
18 systems by algae and other plant contaminants.  
19 The water pH adjustment can be manually control  
20 as well as automatically controlled, by adding a  
21 pH probe and controller that adjust the CO2  
22 injection to maintain target pH values.

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1 Alternative uses with mentioned were sulfur  
2 burners and citric acid because water pH cannot  
3 drop below 5.0 when carbon dioxide is used as an  
4 acidifier. This method may be considered more  
5 secure as a pH adjustment compared to alternatives.

6 Which we did see, the -- some commenters orally  
7 and on the written comments suggest that as well.

8 Carbon dioxide is prepared as a  
9 byproduct of manufacturing of lime during the  
10 burning of limestone, combustion of carbonaceous  
11 materials, also from fermenting processes which  
12 would be this, you know, where we would get some  
13 non-synthetic sources. And so the question has  
14 also been: Why don't we used non-synthetic sources?

15 Some of the commenters were great to mention that  
16 the infrastructure to support logistically and  
17 storing that carbon dioxide is not available. And  
18 so therefore, the necessity of synthetic is there.

19 And we also see that with the handling of carbon  
20 dioxide material.

21 Other comments, one commenter was  
22 completely against the addition, but also, you

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1 know, was questioning the need of irrigation too.

2 So so I do think, you know, when we are using  
3 irrigation, you know, we are, you know, in need  
4 of but -- and then three commenters where against  
5 the addition without the annotation or without an  
6 annotation demanding that the material be  
7 manufactured strictly from a byproduct. Kind of  
8 similar to what, you know, I have squid byproducts.

9 So that was a recommended annotation. And then  
10 five commenters were in support of this material  
11 as stated. One commenter, QCS was in support was  
12 material however stated strong concern for the  
13 lacking discussion of carbon dioxide at 205.601(j)  
14 as a plant or sole amendment in the proposal and  
15 a petition recommending that the proposal be sent  
16 to subcommittee, which I know that's been some of  
17 the concerns and some of the comments, questions,  
18 and Board members. Are there any other comments?

19 MR. GREENWOOD: Comments? Yes,  
20 Brian.

21 MR. CALDWELL: Yes. I guess I agree  
22 with some of the comments that said that the use

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1 for carbon dioxide as an algicide or sanitizer was  
2 really well covered and I think it's done very --  
3 seems like a positive decision there, but the --  
4 how it could be used as a plant or soil amendment  
5 is really unclear. And so if we pass this as is,  
6 we're going to -- it seems like we're going to be  
7 passing the (j) part of it as the plant or soil  
8 amendment and without any discussion. And I'm  
9 uncomfortable with that.

10 MR. GREENWOOD: Thank you. And, Nate.

11 MR. POWELL-PALM: I just wanted to give  
12 a big shout out to Logan who took on a proposal  
13 very early on in her NOSB career and has just slayed  
14 it.

15 MS. PETREY: Well, I wouldn't say that.

16 MR. POWELL-PALM: I think you have.

17 MS. PETREY: That's for new members.

18 MR. POWELL-PALM: The rest of the Board  
19 and so I don't -- I wanted to just recognize that  
20 it's a lot of work. And you've been stellar, so  
21 thank you for all you put into this.

22 MS. PETREY: Yes. Thank you, Nate.

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1 MR. GREENWOOD: Dilip?

2 DR. NANDWANI: This is a good work,  
3 Logan. And I just have a quick clarification, if  
4 you may. You are talking about the solid, as well  
5 as the liquid -- sorry, the gaseous form of the  
6 carbon dioxide, correct?

7 MS. PETREY: Yes.

8 DR. NANDWANI: Thank you.

9 MR. GREENWOOD: Mindee?

10 MS. JEFFERY: Thank you. Good work,  
11 Logan. I really appreciate you and all your  
12 dialogue as a Board member and I feel similarly  
13 about (j) wanting a little bit more depth of  
14 understanding there. And if we do end up doing  
15 more work on this, I might just need help  
16 understanding what it means on the natural uses  
17 because it will help me understand the specific  
18 need on the synthetic uses. And so if I miss  
19 something there, I apologize, but if we do go back  
20 to work on this, that would be some information  
21 I would love to know more about.

22 MR. GREENWOOD: Kim, did I see your

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1 hand up or --

2 MS. HUSEMAN: You did, but then I  
3 lowered it. I'm getting the impression that  
4 there's -- and I have the reading through the  
5 comments as we're going through just had had  
6 similar concern as used as a plant or soil amendment  
7 and how that's incorporated. So I know this is  
8 about the subcommittee item.

9 MR. GREENWOOD: Yes. Well, that's  
10 what I was going to suggest because we have --  
11 people are concerned about (j) as a plant or soil  
12 amendment. So what I'd like to do is basically  
13 call for a vote to see if we want to bring it back  
14 to subcommittee and get some clarity for that  
15 before we vote on the petition.

16 MS. HUSEMAN: I second that motion.

17 MR. POWELL-PALM: Okay. So Rick  
18 motions to send this back to subcommittee, seconded  
19 by Kim. All right so in the vote to send back to  
20 subcommittee, we're going to start with Kim for  
21 the first.

22 MS. SMITH: Nate, Sorry.

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1 MR. POWELL-PALM: Sorry. Go ahead.

2 MS. SMITH: Is there any more  
3 discussion?

4 MR. POWELL-PALM: Every time -- I will  
5 give this right.

6 MS. SMITH: That's okay. I'm going to  
7 be the Robert rules --

8 MR. POWELL-PALM: I appreciate you.

9 MS. SMITH: -- and not be, since I've  
10 been charged of the vote -- counting the vote.  
11 I just had a quick clarification in that we're  
12 sending the whole thing to vote. The motion is  
13 to send the whole thing back; is that's correct?

14 MS. PETREY: From what I understand,  
15 they won't pass anything through without it  
16 grouped. So that's the only reason why I don't  
17 want to a hold it up. But from my understanding,  
18 it needs the entire thing.

19 MS. SMITH: Okay. I just wanted to  
20 clarify the motion on the table. Thank you.

21 MR. GREENWOOD: Okay. So I guess  
22 we're ready to vote then.

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1 MR. POWELL-PALM: All right.  
2 Starting out with Kim.  
3 MS. HUSEMAN: To move this back to  
4 subcommittee, my vote is yes.  
5 MR. POWELL-PALM: Thank you. Mindee?  
6 MS. JEFFERY: Yes.  
7 MR. POWELL-PALM: Allison?  
8 MS. JOHNSON: Yes.  
9 MR. POWELL-PALM: Dilip?  
10 DR. NANDWANI: Yes.  
11 MR. POWELL-PALM: Logan?  
12 MS. PETREY: Yes.  
13 MR. POWELL-PALM: Kyla?  
14 MS. SMITH: Yes.  
15 MR. POWELL-PALM: Wood?  
16 MR. TURNER: Yes.  
17 MR. POWELL-PALM: Javier?  
18 MR. ZAMORA: Yes.  
19 MR. POWELL-PALM: Amy?  
20 MS. BRUNCH: Yes.  
21 MR. POWELL-PALM: Brian?  
22 MR. CALDWELL: Yes.

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1 MR. POWELL-PALM: Jerry?

2 MR. D'AMORE: Yes.

3 MR. POWELL-PALM: Carolyn?

4 DR. DIMITRI: Yes.

5 MR. POWELL-PALM: Rick?

6 MR. GREENWOOD: Yes.

7 MR. POWELL-PALM: Liz?

8 MS. GRAZNAK: Yes.

9 MR. POWELL-PALM: And the Chair votes  
10 yes.

11 MS. PETREY: That is 15 yes, 0 no, 0  
12 abstain, recuse, or absent. The motion passes.

13 MR. GREENWOOD: Okay. Now we're on to  
14 15 sunsets, for review for the crop committee.  
15 The first one is soap-based herbicides, and that's  
16 actually mine. Soap-based herbicides have been  
17 around for a long time, they're reasonably popular,  
18 although sometimes I wonder how effective they are,  
19 having used them myself. Written comments  
20 actually were positive for keeping it on. No one  
21 is particularly against them. They're basically  
22 just a fatty acid that has been saponified, turned

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1       into a soap.       There's general agreement  
2       internationally, they're on the list, and they  
3       turnover very quickly in the environment.   So  
4       there really aren't any environmental concerns for  
5       them, it's just, you know, another use of something  
6       that's fairly benign.   So I'll just stop there and  
7       see if there's any questions about herbicides,  
8       soap-based.   Okay.   Seeing none.   I'll go on to  
9       Logan and biodegradable, bio-based mulch films,  
10      which we seem to talk about all the time.

11               MS. PETREY:   We sure do.   Okay.   So  
12      I'll pick this up from Ace's.   There was a hot topic  
13      of new Board members last year, because the  
14      annotation was changed to the 80 percent and we  
15      voted yes on that.   That was yes for ten and I have  
16      four nos on that record.   I don't know if that was  
17      right, somebody abstained.   Anyways -- and so --  
18      did we only have 14 members, but -- I'm getting  
19      off track.   Okay.   So biodegradable bio-based  
20      mulch film is used to suppress weeds, conserve  
21      water, and facilitate production of row crops.  
22      Past commenters have acknowledged that there are

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1 currently very few options other than  
2 difficult-to-use paper mulch for the 100 percent  
3 bio-based BBMF, but have generally felt this  
4 listing should remain despite that there's no 100  
5 percent. However, at the fall of 2021, we voted  
6 to allow 80 percent because there are some on the  
7 brink to be allowed. And so this use is going to  
8 be to help, you know, with the incredible amount  
9 of plastic that is used and thrown in the landfills.

10 And this is one of those that is a compromise.

11 And although there is concern of what is  
12 lingering, you got 20 percent there, we're hoping  
13 that innovation really takes over in the  
14 marketplace and people will want, you know, to get  
15 closer to that 100 percent. But the question was,  
16 is there any new information on the availability  
17 of 100 percent and through the commenters there's  
18 been none available. So thank you, Rick.

19 MR. GREENWOOD: Thank you. Any  
20 comments, discussion about that? So do we say,  
21 we've talked about bio-based mulch seems like, or  
22 at least for me for about the last five years, but

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1 anything -- I think this one now is fairly  
2 straightforward since we've had the other  
3 discussions. Okay. Seeing none, we'll go onto  
4 boric acid and that's Wood.

5 MR. TURNER: Thanks, Rick. We have a  
6 listing at 205.601(e) for boric acid as an  
7 insecticide, including a keracide or mite control.  
8 And also, include the boric -- I think it's also  
9 for structural pest control, with no direct contact  
10 with food or crops. This is material that we had  
11 heard from many, many in the community about in  
12 terms of it's -- the -- it's a necessity, I think  
13 in controlling ants and roaches in particular.  
14 You know, it's been -- there's been healthy debate  
15 on it over the years in terms of the fact that it's  
16 a material that you know, it's not entirely benign,  
17 although generally regarded as safe, but it is,  
18 something that -- there are -- it is considered  
19 to be preferable to other alternatives for these  
20 kinds of uses. There was, again, general support  
21 as there has been over the years for maintaining  
22 the material -- maintaining access to the material.

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1       There was one statement of opposition and then  
2       one, I thought, compelling comment about  
3       potentially looking at the material annotated to  
4       clarify the use of it to avoid, let's see, to focus  
5       on the use of it as a gel, not in other formulations.

6       So it may be worth looking at that in subcommittee  
7       in more detail. The suggestion around the gel  
8       usage was potentially in the context of a limited  
9       TR. That's all I have.

10                   MR. GREENWOOD:     Okay.     Thank you.  
11       Any questions, comments about boric acid?   Okay.

12       Seeing none we'll move on to Mindee again, sticky  
13       traps and barriers. This is 205.601(e) as an  
14       insecticide basically it's used in pest control  
15       and monitoring. And also used with traps as of  
16       production age. Doesn't come into contact with  
17       food so it's used in limited quantities and  
18       sometimes on tree trunks. The listing covers a  
19       wide range of traps and coatings. But there is  
20       some of the sticky traps do have petroleum wax,  
21       but overall, again, a very benign compound or I  
22       guess you can call it a compound. And generally

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1 positive comments on the written comments. So I  
2 will stop there, see if there's any comments from  
3 our group. Okay. Seeing none we'll go to  
4 elemental sulfur and that's to Brian.

5 MR. CALDWELL: Okay, well, this might  
6 take a few more minutes, I don't know. But the  
7 situation with sulfur, once again, it is used very,  
8 in a lot of different applications within organic  
9 agriculture. And this at 205.61(h) was a new  
10 addition in 2019 as slug or snail bait. And the  
11 -- in terms of the comments, basically, there were  
12 five comments in favor of relisting, one against,  
13 and one that said more review was needed, and a  
14 couple of them said that even though it wasn't  
15 widely used according to some of the surveys that  
16 some of the certifiers did. Since it was only  
17 available since 2019, we need more time to see if  
18 it -- if the grower community will actually take  
19 up, use this product more. The somewhat confusing  
20 or somewhat tricky issue comes in with the inert  
21 ingredients. And these products are made with  
22 basically 99 percent inerts and it kind of just

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1 once again raises the importance of us being able  
2 to deal with inerts in these formulations.

3  
4 And the reason it's so important here  
5 is that the sulfur use seems to be very safe and  
6 have very little environmental impact. And there  
7 is another product that uses ferric phosphate for  
8 the same purpose as a slug bait. But what has been  
9 -- what has come up is that the inerts -- that one  
10 of the inerts that's used with that is a EDTA  
11 chelator, which is on the old list four, so it was  
12 -- it's sort of de facto in use and approved, but  
13 it makes the the ferric phosphate toxic to dogs.

14 And I think there have been some issues where dogs,  
15 you know, gotten sick and I don't know if they've  
16 died. But anyways, it has been an issue that was  
17 brought up. And in fact the history of this is  
18 that the ferret phosphate product was brought up  
19 for a relisting under the sunset reviewing and  
20 almost voted down, but it was felt there was no  
21 alternative to to ferric phosphate. And since  
22 Notta (phonetic) was becoming more important in

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1 organic and that tends to lead to more slugs and  
2 snails we wanted a product. But anyways, to make  
3 a long story short now, with this sulfur-based  
4 product for slug management, there is an  
5 alternative to ferric phosphate, and so it may  
6 change that whole situation. But the fact that  
7 99 percent of the ingredients in these sulfur-based  
8 or ferric phosphate-based products, 99 percent are  
9 inerts. And in the ferric phosphate, the inert  
10 has -- the interaction with the inert and the active  
11 ingredient has made the product toxic to dogs.  
12 These are important issues and it is totally  
13 unknown what the 99 percent inerts are in the  
14 commercial elemental sulfur slug baits.  
15 Evidently according to the MSDS, some of them do  
16 contain iron, but we don't know if it contains EDTA.

17 It's just filling a little bit of 99 percent black  
18 box. So just to sum up very quickly, I sorry, I've  
19 taken so long about this, but as usual, seems like  
20 the more you delve in the more difficult it gets.

21 But the actual elemental sulfur active ingredient  
22 in these products seems very benign and safe and

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1 has low environmental impact. But we are once  
2 again commended to really do something about our  
3 inert situation. So that's kind of a side issue.

4 That's really not the focus of this elemental  
5 sulfur, but it just brings it up very clearly.

6 MR. GREENWOOD: No. Thanks, Brian.  
7 We went through the same thing. I don't know if  
8 you were on the Board with the other snail bates  
9 and iron and the whole area as you know we struggled  
10 with is inert because they're not inert and that  
11 --

12 MR. CALDWELL: Right.

13 MR. GREENWOOD: -- they were misnamed  
14 at the very beginning, but we are, you know, we're  
15 to look at the key ingredient, which is either the  
16 iron or the sulfur. And so that's how we evaluate  
17 these. But obviously more work needs to be done.

18 So any questions or comments for Brian? Okay.

19 I'm seeing none. We'll go to Jerry, and he's  
20 obviously Mr. Copper and he has copper, fixed and  
21 then copper sulfate. So, Jerry.

22 MR. D'AMORE: And with your

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1 permission, I'm going to do, both of these at the  
2 same time. We're not voting on them. Obviously,  
3 I won't get away with that next --

4 MR. GREENWOOD: No, I think that's fine.

5 MR. D'AMORE: Thank you. So the  
6 205.601, copper sulfate, coppers, fixed both as  
7 plant disease control. At the spring session, I  
8 will review the two materials together as they are  
9 both plant disease control and they share the same  
10 annotation. They also share the same 1995 TAP and  
11 the same 2011 TR. Further, our stakeholder  
12 questions for these two sunsets are exactly the  
13 same. Lastly, I presented copper sulfate at the  
14 fall of 2021 Board meeting for two distinct uses  
15 in aquatic rice systems and they were given another  
16 five years and I'll try to make that relevant in  
17 a minute.

18 The next part is something I wrote over  
19 the weekend, and I think has become a little bit  
20 more apropos in the last couple of days, and  
21 actually this morning as well. During the 2021  
22 sunset process, there was a relatively small, but

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1 very persistent stakeholder group that expressed  
2 the opinion that we the NOSB was rubber stamping  
3 the coppers through the process and giving little  
4 space to continuous improvement and/or innovation.

5 The 2021 research priorities proposal that was  
6 presented at the October 2021 Board meeting was  
7 helpful to show NOSB concern. There were four  
8 bullet points I'd like to highlight.

9 Number one, comprehensive systems  
10 based approach for managing individual crops in  
11 a way that decreases the need for copper-based  
12 materials, including research, crop rotations,  
13 sanitation practices, plant spacing, and other  
14 factors that influence disease. Number two,  
15 breeding plants that are resistant to diseases that  
16 copper controls. Three, developing alternative  
17 formulations from materials containing copper, so  
18 that the amount developmental coppers is reduced.

19 And four, developing biological agents that work  
20 on the same diseases, coppers now used on.

21 Continuing, we have asked for a new TR  
22 for these two sunset, which should be delivered

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1 this June and thus available for our consideration  
2 during the sunset period. The lead paragraph to  
3 the four-page request for TR reads as follows: The  
4 review of the 2011 technical report on copper  
5 sulfate and other copper products highlighted five  
6 areas that should be expanded on an updated with  
7 the latest research. Number one, human health  
8 concerns, soil health and microbiota, application  
9 rates and accumulations in the soil, copper in the  
10 aquatic environment, and alternatives to  
11 copper-base products. In response to the two  
12 copper sunset documents presented a day, there were  
13 30 stakeholder comments with the overwhelming  
14 majority being written. This is the last thing  
15 I'll say and I'll say it very carefully. There  
16 was not one comment, written or oral that I could  
17 find that advocated for removing coppers during  
18 the review process. To be clear, there were quite  
19 a few that would like to see this material phased  
20 out over a longer period of time, but not a single  
21 one advocating its removal this go around. So I'll  
22 leave it there. Thank you.

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1                   MR. GREENWOOD: Thanks, Jerry. And I  
2 think that's, you know, we see copper in a lot of  
3 other compounds, where we don't really want to use  
4 them. But until we get alternatives we're sort  
5 of stuck with them. So any comments for Jerry  
6 about copper, we've discussed copper quite a bit  
7 as you know. Okay. Javier?

8                   MR. ZAMORA: Yes, copper is one of  
9 those things that growers need specially that  
10 cranberry, the apple growers, and some other  
11 people. And I'm in an array of usage in that, but  
12 I think it's a tool that we need, but I think we  
13 need to think of the future because the remnants  
14 of it is in the soil, I mean, it's copper. So I  
15 think as a Board we have to think of that, and I  
16 just keep pushing it for newer Board members or  
17 new generations to deal with it. I think, you  
18 know, I can only think of the metal bromide how  
19 it has been, you know, as new products come out  
20 for people that need it are developing new  
21 substances of new gases that could potentially help  
22 those growers. But copper is, it's -- we got to

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1 think about the future. So just keep it in our  
2 minds and do something about it.

3 MR. GREENWOOD: No. You're  
4 absolutely right. And I think that's part of why  
5 we asked for the new TR and for the research, one  
6 of the research priorities. Okay. Yes. Thanks,  
7 Javier. So we now have polyoxin D zinc, and that's  
8 Brian again.

9 MR. CALDWELL: Thanks, Rick.  
10 Polyoxin D zinc salt is a synthetic, but it is based  
11 on a natural substance from soil microorganisms.  
12 But the zinc is added to it to prevent it from  
13 leeching and make it more effective in its use as  
14 a fungicide. And in terms of the comments, I  
15 counted 11 for re-lifting, one against, and another  
16 one urging more review. The overwhelming  
17 statements for -- from the growers, in the grower  
18 groups was that it's effective. And that's  
19 important because just as -- we just talked about  
20 copper and products like this, which are basically  
21 of natural origin, sometimes needing some  
22 tweaking, like the zinc salt, part of this one,

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1 but they're becoming more and more common. And  
2 there's a lot of research going on with them. And  
3 they really do have the potential over the long  
4 run to reduce the amount of copper that is used  
5 in vegetable and fruit production. So that's very  
6 a positive thing. The growers are really wanted  
7 to keep it for sure on the list.

8 Now there were some questions that we  
9 put out there to the community. And the first one  
10 was: Is there concern that cross-resistance to  
11 polyoxin D, with some potential human health  
12 products. Is that a concern? And we didn't get  
13 much response about that. A couple -- in a couple  
14 of places, they said, well cross-resistance to  
15 products that currently do not exist, is not an  
16 issue, but if new closely-related products are  
17 started to be used for human health, then it becomes  
18 an issue. So currently it's not an issue, but it  
19 might be in the future. But for now, we don't need  
20 to be concerned about that. So essentially, I  
21 would say that the kind of -- the responses that  
22 we got were that it's a benign substance and it's

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1 very effective. And so that's pretty much the  
2 summary, I believe, of the comments.

3 One thing that I did want to mention,  
4 one comment talked about a study that showed  
5 chromosomal aberrations in hamster cells. And  
6 that made me take a second look, but I looked at  
7 the primary source on that and actually, it was  
8 a study that was cited in EPA document saying that  
9 polyoxin should be exempted from residue tolerance  
10 and that they had found many -- several other  
11 studies that contradicted that. So that, you  
12 know, it sounded like something to be a little bit  
13 concerned about, but then evidently according to  
14 the EPA and these other studies, not. So I think  
15 I'll just leave it with that and we -- I just wanted  
16 to say that we will welcome more comments on this  
17 from the wider organic community. It does seem  
18 to be a very promising pest control material that  
19 we want to just do the right thing and do it right.  
20 So thanks.

21 MR. GREENWOOD: Thanks, Brian.  
22 Thanks for the deep dive into the literature. So

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1 I see Logan has a question?

2 MS. PETREY: I have a comment.

3 MR. GREENWOOD: Okay.

4 MS. PETREY: I use polyoxin D, it is  
5 a great material. And just to talk about the  
6 copper reduction, probably used 80 percent less  
7 copper per sprays, because of this material, and  
8 it is more -- it is targeted towards fungicides  
9 which copper typically is for bacterial diseases  
10 but we also use it for fungicides too because there  
11 just aren't many things that do work. But polyoxin  
12 D really takes it away as using copper for a  
13 fungicide and more for bacteria side because  
14 polyoxin D doesn't have efficacy. I think it works  
15 on a heightened degradation, so when we found that,  
16 we really helped the health of the farm because  
17 it is specific to the fungicides and it's not  
18 killing the natural bacteria that we actually want  
19 on the leaf to populate it so that we are more  
20 resistant to infection. Also it's not phytotoxic  
21 or I haven't seen any phytotoxicity, whereas when  
22 we use copper consistently, we will see a tinge

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1 or some kind of burn that you might get with some  
2 copper. So I'm huge -- greatly supporting this  
3 product. Thank you for the review, it's really  
4 good and extensive.

5 MR. GREENWOOD: Thanks, Logan. It's  
6 always great to have somebody on the Board that  
7 uses one of these products so you can give us a  
8 real data. Any other questions on polyoxin D  
9 before we go on? Okay. Seeing none, we go to Amy  
10 and humic acids.

11

12 MS. BRUNCH: Okay. Thank you, Rick.  
13 Humic acid, so this is a synthetic substance  
14 allowed for use in organic production. And what  
15 we're looking at here is naturally occurring  
16 deposit water and alkalide extracts only. So the  
17 use of these they can be soil applied or full year  
18 applied depending on the specific product and humic  
19 acid really affects the soil fertility by making  
20 micronutrients more readily available to plants,  
21 than contributing actual nutrients to the soil.  
22 So mainly as a catalyst. There's pretty

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1 widespread use amongst stakeholders in the  
2 community of this substance. One thing to  
3 highlight through environmental issues, you know,  
4 this particular substance in general isn't known  
5 to cause environmental issues, however, there were  
6 a couple of commenters that cited concerns just  
7 on the mining manufacturing process in the disposal  
8 of this extractant. There was a lot of comments  
9 in favor, again, of this substance. Majority of  
10 the commenters stated that this does provide  
11 benefits to their farms, indicates a widespread  
12 use because one certifier in particular said 718  
13 members have humic acids on their OSP. It also  
14 helps some of those lighters soils. And just  
15 beefing nutritional benefit. OMRI also states  
16 there's 251 products registered with humic acid.

17 However, the TR indicates that there's a lack of  
18 standard analysis for the substances marketed as  
19 humic acid. So you can see that in the comments,  
20 some folks said that these didn't provide any  
21 benefit. But again, the majority of people said  
22 they did provide benefit to their farms and fields.

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1                   One additional thing to bring up to  
2 light, and I thought this was really interesting.

3                   This is looking at the actual extractant itself  
4 because there is not a limit on the -- what type  
5 of extraction used except for it does say let's  
6 say alkaline. Potassium hydroxide is the most  
7 commonly used extractant. And as OMRI indicated,  
8 there is an assessment that can be done to see if  
9 potassium hydroxide has been fortified. But other  
10 extractants don't necessarily have framework for  
11 assessments. So looking at that fortification  
12 piece of synthetic extractions is really  
13 important. And that was something that we can also  
14 take back to subcommittee to discuss on the  
15 particular extractant. The two most recent  
16 reviews, though the NOSB found humic acids to be  
17 compliant with OFPA and this is been part of our  
18 sunset process for quite awhile.

19                   MR. GREENWOOD: Okay. Thank you, Amy.  
20                   Any questions? Yes, Javier?

21                   MR. ZAMORA: Amy or any Board member,  
22 can you guys share a little bit about what would

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1 be the difference between the humic acid's usage  
2 as what Logan, (j) on carbon dioxide was talked  
3 -- presented because it seems like both -- they  
4 do -- they enhance the nutrients available to  
5 plants in soil. But can somebody talk a little  
6 bit about that? I mean, it seems like --

7 MS. PETREY: Well, we --

8 MR. ZAMORA: I don't know. I had  
9 another question about that.

10 MS. PETREY: More of when we request  
11 more information about CO2 being a plant and soil  
12 amendment. So stay tuned unless Amy, you know,  
13 and if you know, I'm going to be a little upset  
14 here that we didn't. I'm kidding.

15 MR. GREENWOOD: Okay. Thanks, Logan.  
16 Amy, anything to add?

17 MS. BRUNCH: No. Sure. Yes. I'm  
18 just -- I'm readily awaiting your deep dive on that,  
19 Logan, in particular to the soil. But in terms  
20 of this product, Javier, this is, a little bit  
21 different. This isn't necessarily a gas. It's  
22 an actual physical substance and mainly applied

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1 liquid but can be applied in a soil dry form. This  
2 would just, you know, the comments associated with  
3 it say you can reduce your nitrogen fertilizer,  
4 removes toxins from the soil, it acts, you know,  
5 as a catalyst to make the nutrients that are in  
6 the soil more available and then it works on your  
7 soil structure over all. So you know, that's a  
8 good question. I think this isn't in particular  
9 a fertilizer. It's more of a soil conditioner.  
10 So that's how I'd answer that. Hopefully that  
11 -- does that answer your question? Okay.

12 MR. GREENWOOD: Yes. I started to see  
13 it as a vitamin.

14 MS. BRUNCH: Yes.

15 MR. GREENWOOD: Something, but anyhow,  
16 Dilip?

17 DR. NANDWANI: Okay. Since Javier has  
18 asked about little information about humic acid  
19 and I've been working on humic acid research past  
20 few years and I'll just add some information for  
21 his sake and I hope it might be helpful. So about  
22 carbon dioxide, Logan has already explained and

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1 humic substances, you know, it's it's a broad class  
2 of organic compounds and it derived from  
3 humification of decaying plant materials and  
4 microbial residues that includes fulvic acid,  
5 humic acid, and humin. Now for your information,  
6 nowadays, fulvic acid is also available  
7 commercially as well as humic acid, okay? And  
8 there is a lot of chemistry in it and I'm not going  
9 to go into the detail, but wanted to just a couple  
10 of other things that fulvic acid is soluble under  
11 all these conditions and the humic acid is soluble  
12 at higher pH, but it become insoluble at pH lower  
13 than 2. And some benefits, as I already explained,  
14 that improves the fertilizer efficiency, or  
15 reducing the soil compaction. And also it has a  
16 direct, you know, improvement in the overall plant  
17 biomass effects on plant growth, and the use of  
18 humic substances can in increase this root growth  
19 and uptake of some nutrients such as nitrogen,  
20 iron, phosphorous, potassium, calcium, and  
21 magnesium. So it allows tolerance to aerating  
22 stress such as salinity. And it -- I think I'll

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1 stop here. It comes in microbial and-non  
2 microbial as well, ideally. I'll stop there. I  
3 hope this helps, Javier. Thank you.

4 MR. GREENWOOD: Yes. No. Thanks,  
5 that's good information. So anyone else before  
6 we go on to Amy again? And this is micronutrients  
7 soluble boron products.

8  
9 MS. BRUNCH: Okay. And thank you,  
10 Dilip. I appreciate your extra comments there.

11 Yes. On in terms of soluble boron products, this  
12 is as planned course with or this is listed in  
13 205.601(j) as plant or soil amendments and I know  
14 Logan's going to cover the other micronutrients  
15 here. In this particular instance, we actually  
16 did requests an updated TR just to deconstruct  
17 soluble boron products from the original TR in  
18 2010, that was more comprehensive on all  
19 micronutrients. But soluble boron is a crop  
20 micronutrient that can be sole applied or again,  
21 applied full yearly according to the TR, when  
22 compared to other recognized plant micronutrients

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1 deficiency in boron is the most common. Boron  
2 deficiency is responsible for significant crop  
3 losses, whether in volume, quality and that's an  
4 annual thing. So this has been on the national  
5 list since it was published in 2000. This one is  
6 actually pretty straightforward, majority of the  
7 comments were in favor of relisting this. This  
8 is -- it's a micronutrient again, so it's a very  
9 minor input with a very major implication to  
10 farmer's bottom line was one commenter's  
11 statement. And it does help the ability to just  
12 correct those nutrient deficiencies which is  
13 really important in organic production is just to  
14 make that well balanced soil. With that and just  
15 kind of a brief overview, but I invite questions.

16 MR. GREENWOOD: Okay. Any questions?  
17 Comments? Okay. Seeing none, then we're back  
18 to Logan for more micronutrients.

19 MS. PETREY: Yes, for the others. You  
20 don't listen. Okay. So micronutrients, the  
21 sulfates, carbonates, oxides or silicates of zinc,  
22 copper, iron, manganese, molybdenum, selenium, and

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1 cobalt, that one always catches me up. But at  
2 205.601(j) as plant or soil amendments with the  
3 annotation that they cannot be used as defoliant,  
4 or sorry, or desiccant. And those made from  
5 nitrates or chlorides are not allowed.  
6 Micronutrient deficiency must be documented by  
7 salt or tissue testing or other documented methods,  
8 same with the boron. And although these are micro,  
9 they are essential, and we have had over 90 percent  
10 support in the oral and -- or in the written  
11 comments. So they are required in very small  
12 quantities. Although some forms of  
13 micronutrients are found in the soil, many  
14 producers find deficiencies of some or all of the  
15 micronutrients on this list. Listing are made up  
16 of both compounds and natural minerals, and after  
17 the physical processing such as breaking or  
18 grinding, these can be used as micronutrients.  
19 Micronutrients are also considered heavy metals,  
20 but the annotation prevents contamination by  
21 restricting issues to correct a deficiency. And  
22 again, we've had overwhelming support for these.

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1 Any questions?

2 MR. GREENWOOD: Questions for Logan?

3 Yes, Dilip.

4 DR. NANDWANI: This is really nice that  
5 to hear these lot of micronutrients. Can I quickly  
6 ask about this, there are some other  
7 micronutrients, also are we going to present  
8 separately? They are also very important for, you  
9 know, organic agriculture crop production such as  
10 maybe iodine or something else.

11 MS. PETREY: Right. Like silica on  
12 it. Sometimes we may see that that is essential  
13 or not, but, Jerry, do you know? Does anybody know  
14 on that? Or Nate, if there's a come up? I'm not  
15 sure if there -- where their sunsets are, but --

16 DR. NANDWANI: Okay. They may be  
17 separate sunsets.

18 MR. POWELL-PALM: Right, exactly. So  
19 in rotation, but -- Kyla, go ahead.

20 DR. NANDWANI: Thank you.

21 MS. SMITH: I mean, I think -- correct  
22 me if I'm wrong, and all the national list like

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1 up right in front of me, but I think this is --  
2 let me just pull it up before I say something that  
3 I don't want to say. Who's going to be quicker,  
4 me or Jared? Let's race.

5 MR. GREENWOOD: Yes, maybe Jared could  
6 answer that.

7 MR. CLARK: Yes. These are the two  
8 listings under that micronutrient header, but I  
9 will say that, you know, these are synthetic  
10 versions of these micronutrients that are allowed.

11 The non-synthetic micronutrients are allowed by  
12 virtue of being non-synthetic.

13 MS. PETREY: Great answer, Jared.  
14 Thank you. Thank you, Dilip for the question,  
15 though.

16 MR. GREENWOOD: Okay. Thank you.  
17 Any other questions for Logan? Okay. So why  
18 don't we go on then to Wood with vitamins C and  
19 E.

20

21 MR. TURNER: Thanks, Rick. We have a  
22 listing for vitamins C and E at 205.601(j) as plant

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1 or soil amendments. These have been TR in 2015,  
2 as recently as 2015. They previously have been  
3 bundled with, thiamine or vitamin B1. In the  
4 previous sunset review, vitamin B1 was peeled off  
5 and recommended for removal from the list. It's  
6 my understanding that that material is still in  
7 rule-making to remove that material. So there  
8 were some comments, persistent comments -- well,  
9 one commenter said keep B1 off the list. Take B1  
10 off the list and also take off vitamin C and E but  
11 that was the only commenter that we've heard asking  
12 for that. I would say the comments have been  
13 fairly limited on this. This is a -- these are  
14 materials that we all sort of generally know fairly  
15 well. I would say that the TR in 2015 was helpful  
16 in sort of, continuing to maintain interest in  
17 keeping these on the list. But there was a lack  
18 of really practical information about how these  
19 materials are used. And I think that's reflected  
20 in the comments which is very little -- very few  
21 comments and very few organizations that have --  
22 growers who are using these materials. There was,

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1       though, I just want to acknowledge one particular,  
2       and I think -- and thank this commenter for actually  
3       focusing on the question that we asked, which was,  
4       you know, help with any practical applications of  
5       these materials so that we could really understand  
6       how well they're being used. The one commenter  
7       did indicate that vitamin C plays and cited  
8       research on this, the vitamin C is actually helping  
9       protect plants from smog damage and even alluded  
10      to the fact that that protection from air pollution  
11      damage, you know, had some climate change  
12      applications as well. So I just wanted to point  
13      that out that I did appreciate that feedback about  
14      how this -- how vitamin C can actually be supportive  
15      in particular of that particular issue. That same  
16      commenter also supported keeping vitamin E on the  
17      list as well. So that's what I have for now.

18                   MR. GREENWOOD: Okay. Thanks, Wood.

19      That is the positive of looking at the written  
20      and oral comments, getting all the other  
21      perspective, I think. I know for myself, I always  
22      got an awful lot out of them, even though there's

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1 2,300 pages to go through it. So it's certainly  
2 worthwhile. Any other questions for Wood? Okay.

3 So we'll go now back to Logan with squid  
4 byproducts.

5  
6 MS. PETREY: Thank you. All right.  
7 squid byproducts at 205.601(j) as plant or soil  
8 amendments with byproducts from food waste and food  
9 waste processing only. And can be used with a pH  
10 to justify -- to adjust the pH, excuse me, with  
11 sulfuric or citric or phosphoric acid. The amount  
12 of acid shall not exceed what the minimum needed  
13 to lower the pH to 3.5. So just a little bit of  
14 background, the squid byproduct, the squid are  
15 commercially harvested using nets directly above  
16 spawning grounds during mating season and just the  
17 background on that as well is that squid will die  
18 shortly after reproduction. And so as far as an  
19 environmental concern or biodiversity concern,  
20 there isn't a concern and it is restricted to this  
21 use or to this fishing. Also, these fisheries have  
22 management councils and the management includes

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1 seasonal catch limits, timed fishery closures,  
2 administration of permit insurance, and  
3 limitations on using lights to attract squid to  
4 ensure uninterrupted spawning. So they do have  
5 the regulations on there to protect those species.

6 It's not under the liquid -- or the fish because  
7 it is a mollusk, not a fish, although in the  
8 international acceptances, it seems that in  
9 multiple areas they did combine it with fish and  
10 so squid is not specific. The use of this is for  
11 a fertilizer and it can usually range for a 2-2-2  
12 to a 3-3-3 or so, so we're not talking about very  
13 high levels and as far as the commenters, we had  
14 over 85 percent were for the use as the annotation.

15 Thank you.

16 MR. GREENWOOD: Thank you, Logan. Any  
17 questions for Logan on squid byproducts? I don't  
18 know how you ended up with so many things, Logan.

19 MS. PETREY: I don't know. I'm just  
20 kidding.

21 MR. GREENWOOD: You're almost done.  
22 Okay. Next we have lead salts and that's Javier.

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1 This is your first time through.

2 MR. ZAMORA: Yes, good. Buenos dias  
3 a todos. Lead salts on the national list under  
4 205.602(d) known synthetic substances prohibited  
5 for inorganic crop production. There's been  
6 several public comments not only for the public  
7 but organic certifiers and national organizations  
8 which most of them, if not all, are in favor of  
9 keeping lead salts on the national list as  
10 prohibited substances. It is worth mentioning  
11 that the leads inhibited seed germination, root  
12 elongation, seedling developing, lung growth, and  
13 it's toxic to plants and can remain in the soil  
14 for up to 2,000 years. That is all I have and thank  
15 you for making it so easy for me, so it was very  
16 nice with this.

17 MR. GREENWOOD: So I told you it  
18 wouldn't be too bad, Javier, so thanks very much.

19 MR. ZAMORA: Love you.

20 MR. GREENWOOD: Yes. So obviously, we  
21 want that on the list as a prohibited substance  
22 and we have some other things like that. And I

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1 think it's good that it stays prohibited. Any  
2 comments for Javier? Okay. Thank you. So the  
3 last one is tobacco dust. And for some reason it's  
4 Logan again.

5 MS. PETREY: This one's super easy.  
6 It's okay. Hey, Javier, you got the right 205.602  
7 I've learned, grab those. So yes, tobacco dusk  
8 205.602, which is also nicotine sulfate. Just to  
9 note that this has been on the prohibited list since  
10 the inception of the organic regulations and it  
11 is there because it is a hazardous substance for  
12 OSHA and but it can be used or was used as a natural  
13 insecticide for pest control. It is made from --  
14 as a byproduct from commercial processing of  
15 tobacco products or I guess you can mix tobacco  
16 and water, make it home-made. But it remained --  
17 has been on the prohibited list and all comments  
18 are to keep it there.

19 MR. GREENWOOD: Thank you. Any  
20 questions or comments for Logan again on tobacco  
21 dust? We heard a lot about this a few years ago  
22 when we were looking at the suckering of tobacco

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1 plants with alcohols and lot of disease in humans  
2 working in the tobacco industry. And so it is a  
3 very toxic product. So that actually, believe it  
4 or not, completes our sunsets. And I want to thank  
5 all of the committee members. I mean, we had a  
6 lot of work to do. Some great discussion in  
7 committee and I think we've come out with a pretty  
8 decent products. I want to thank everybody and  
9 also for the rest of the Board members for  
10 discussion. So I will turn it back to Nate.

11 MR. POWELL-PALM: Just outstanding  
12 work. Thank you, Rick. Thank you, crops  
13 subcommittee, that was great. So on our schedule  
14 we normally would break for lunch, but we have  
15 fairly minimal amount to cover before the end of  
16 the day. So I was hoping if it's all right with  
17 the Board to break for 15 minutes here. Come back,  
18 go through PDS, we'll then go through DTO, which  
19 we differed from yesterday and then we have an  
20 opportunity to hear if there are any more questions  
21 on CACS, which we're cutting it short. And then  
22 we'll run over the work agenda and then closing

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1 remarks and a big old additional welcome to our  
2 new members. So if it's all right just to break  
3 and then we'll come back, get through this three  
4 items, and wrap her up. So if we could have the  
5 slide and I'll try to do this math. But I think  
6 we're going to go to eight after or ten. Thank  
7 you. See you all in just a bit.

8 (Whereupon, the above-entitled matter  
9 went off the record at 1:54 p.m. and resumed at  
10 2:09 p.m.)

11 AUTOMATED VOICE: Recording in  
12 progress.

13 MR. POWELL-PALM: All right. Thank  
14 you, everyone, for hustling through that break.

15 Hope we got a little reprieve. Next, we're going  
16 to to dive into policy development subcommittee,  
17 PDS. And I will hand it over to Mindee.

18 MS. JEFFERY: Thank you, Nate. I'm  
19 just going to stall for one second here, so  
20 everybody can --

21 MR. POWELL-PALM: Yes. Not a worry.

22 MS. JEFFERY: -- come through. In the

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1       meantime, as the policy development subcommittee  
2       chair, just wanted to let the stakeholders know  
3       that we really heard you on the persistent  
4       questions for meeting timing. And I wouldn't say  
5       we have an answer or a home for those questions  
6       yet. But that we do have some inspiration going  
7       on. And I am imagining several one-on-one full  
8       court basketball match ups amongst the  
9       subcommittee chairs to see who's going to win the  
10      contest of where this conversation will live. But  
11      so, you know, folks, we're listening out here.  
12      Thank you very much for all your persisting  
13      comments on the subject of meeting timing. So are  
14      we all here? Is everybody ready? I think we're  
15      close. I'm still kind of looking for a couple  
16      more.

17                   MR. POWELL-PALM: Yes, maybe one more  
18      minute as folks trickle back in.

19                   MR. TURNER: And we need a proper  
20      basketball game, Mindee. There's no question in  
21      my mind.

22                   MR. POWELL-PALM: I feel like

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1 Sacramento we actually you have to show up with

2 --

3 MS. JEFFERY: Man.

4 MR. POWELL-PALM: Jerry's ready to go.

5 MS. PETREY: That's what I said too.

6 I was going to say that to Mindee.

7 MS. JEFFERY: I don't think there's  
8 going to be any surprise when Wood takes me down  
9 in that one-on-one battle.

10 MS. PETREY: It's so funny when we're  
11 all in the Zoom rooms, though. There's like no  
12 -- like I have no idea how tall anybody --

13 MR. POWELL-PALM: Everyone's the same  
14 height.

15 MS. JEFFERY: Okay. How are you  
16 feeling, Jerry? Are you ready?

17 MR. D'AMORE: Yes, ma'am.

18 MS. JEFFERY: Okay. Hold on. Let's  
19 just give it one more look because I think there's  
20 two more. I was waiting three more. Sorry. I  
21 might have jumped the gun on you, Jerry.

22 MR. POWELL-PALM: If you're there,

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1 Liz, Javier, or Logan and you want to just flash  
2 your cameras on real quick to let us know you're  
3 there or just give a shout out.

4 MR. D'AMORE: Well, we've got the time  
5 to give the time, I think, don't we?

6 MR. POWELL-PALM: I think we do.  
7 We're doing pretty good.

8 MR. D'AMORE: Yes.

9 MR. TURNER: I think in his defense  
10 he's doing proper farming. He's checking on his  
11 crew and making sure everything is going smoothly.  
12 So let's give him a minute.

13 MR. D'AMORE: So how is it that we  
14 settled on basketball? I mean, as a wrestler that  
15 was just kind of tough for me to take, but I say.

16 MS. JEFFERY: Well, do you really want  
17 to hear the truth of my metaphor, Jerry? The  
18 founding -- one of the founding principles of the  
19 game of basketball was the spiritual enrichment  
20 of the community and I view organic much like I  
21 view basketball. So there you have it.

22 MR. D'AMORE: Well, can't argue with

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1 any piece of that.

2 MR. TURNER: And as a lifelong  
3 basketball player, I'd hop on that train with  
4 Mindee because I think it's an apt metaphor.

5 MR. POWELL-PALM: Well, let's get  
6 started here. Liz said she has -- is, just about  
7 to hop on.

8 MR. D'AMORE: Do I have your  
9 permission, Chair?

10 MS. JEFFERY: Yes, sir. Thank you  
11 very much.

12 MR. D'AMORE: Not at all. Thank you.  
13 And so policy development subcommittee proposal.  
14 And it is a policy and procedures manual, PPM  
15 revision. The proposal before you had its origins  
16 in a spring 2021 discussion document and was  
17 introduced at that time under the heading,  
18 Amendments to the PPM to provide clarity and to  
19 address protocols for oral and written  
20 presentations. The policy development  
21 subcommittee has reviewed the suggested changes  
22 and brings us out of subcommittee as a proposal

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1 for full Board discussion and vote. There were  
2 five total stakeholder comments addressing this  
3 spring 2020 proposal with four approving of the  
4 work and one firmly against the proposal. The  
5 opposing commenter had concerns regarding certain  
6 terms not being well enough defined and the use  
7 of the word impugn as not appropriate. This is  
8 to be seen in -- well, it's not -- I thought it  
9 was a comment, but any way, it's done in red on  
10 the document. One of the supporters of the  
11 proposal was also not happy with the word impugn  
12 and offered malign as an alternative. Generally  
13 speaking, the commentators recognized the  
14 revisions to the PPM as minor clerical changes to  
15 provide clarity and as a process to encourage a  
16 respectful comment environment. As one of the  
17 commenters is -- who was opposed to the proposal  
18 made reference to FACA requirements, I'm going to  
19 give our chair, Mindee Jeffery, the floor to take  
20 any questions or give her own comments to FACA as  
21 she sees fit. And that's it.

22 MS. JEFFERY: Great. Thank you,

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1 Jerry, I did appreciate. I think the public  
2 comments. And so I went back and took a look at  
3 FACA and looked through section 10 for meeting  
4 conduct. And therein listed under A1, we are in  
5 compliance with the notion that the meeting is open  
6 to the public. And looking at A3, it lists,  
7 interested persons shall be permitted to attend,  
8 appear before, or file statements with any advisory  
9 committee subject to such reasonable rules or  
10 regulations as the administrator may prescribe.

11 So the allowing of written and oral comments,  
12 submissions clears our responsibilities under  
13 FACA. And as the PPM functions to assess the NOSB  
14 in the implementations of its duties under author,  
15 these are the PPM are our reasonable rules and  
16 regulations for expectations around the public's  
17 interaction with. Extension is repetition of  
18 what's already in written comments. And this  
19 addition update produces alignment. I think it's  
20 pretty clear that we're just codifying a level of  
21 respect and that we definitely want to hear all  
22 the facts and all the data from every stakeholder.

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1       And we want to hear all the reputations as facts  
2       and data. So we're just keeping it classy really  
3       here with this update.

4               MR. D'AMORE:   Playing nice.

5               MS.   JEFFERY:       Does anyone have  
6       questions?

7               MR. GREENWOOD:   Kyla, is that a raised  
8       hand?

9               MS. SMITH:   Jenny, do you want to go  
10      first?

11              DR. TUCKER:   I would like to suggest  
12      that that becoming new a subtitle to the PPM, keep  
13      it classy. Very, very nice.

14              MS. SMITH:   I just had a question about  
15      some comments that made the distinction between  
16      the word impugn and malign, and what your all  
17      thoughts were on that.

18              MS. JEFFERY:   Sure. Thank you. I  
19      think we all like this suggestion, and since we're  
20      reflecting consistency in the PPM, we felt like  
21      we can put that in our back pocket and when or if  
22      the PPM gets updated again, we liked the word.

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1 But because we're reflecting consistency, we're  
2 sticking with the word as is. I don't see any other  
3 hands sometimes when we're in this side gallery  
4 mode, I don't always see you, but it sounds like  
5 no other comments. We can move to a vote.

6 MR. POWELL-PALM: Yes, we can. So we  
7 have a vote for motion by Mindee and seconded by  
8 Jerry. We're going to begin voting. I believe  
9 with Mindee? Is that right Kyla?

10 MS. SMITH: That's what I have. Yes.

11 MR. POWELL-PALM: All right. So  
12 Mindee, your vote please.

13 MS. JEFFERY: Yes.

14 MR. POWELL-PALM: Okay. Yes. For  
15 Mindee. Allison?

16 MS. JOHNSON: Yes

17 MR. POWELL-PALM: Dilip?

18 DR. NANDWANI: Yes.

19 MR. POWELL-PALM: Logan?

20 MS. PETREY: Yes.

21 MR. POWELL-PALM: Kyla?

22 MS. SMITH: Yes.

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1 MR. POWELL-PALM: Wood?  
2 MR. TURNER: Yes.  
3 MR. POWELL-PALM: Javier?  
4 MR. ZAMORA: Yes.  
5 MR. POWELL-PALM: Amy?  
6 MS. BRUNCH: Yes.  
7 MR. POWELL-PALM: Brian?  
8 MR. CALDWELL: Yes.  
9 MR. POWELL-PALM: Jerry?  
10 MR. D'AMORE: Yes.  
11 MR. POWELL-PALM: Carolyn?  
12 DR. DIMITRI: Yes.  
13 MR. POWELL-PALM: Rick?  
14 MR. GREENWOOD: Yes.  
15 MR. POWELL-PALM: Liz?  
16 MS. GRAZNAK: Yes.  
17 MR. POWELL-PALM: Kim?  
18 MS. HUSEMAN: Yes.  
19 MR. POWELL-PALM: And the Chair votes,  
20 yes.  
21 MS. SMITH: That makes it 15 yes, 0 no,  
22 0 abstain, recuse, or absent. The motion passes.

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1 MR. POWELL-PALM: All right. Again,  
2 a big shout out to Mindee for the work and Jerry  
3 for the work on this. It's a small but mighty  
4 committee that PDS. There's only three of us on  
5 it.

6 MS. JEFFERY: I'm given that to Jerry.  
7 Good job, Jerry.

8 MR. D'AMORE: Thank you.

9 MR. POWELL-PALM: All right. So we're  
10 cruising along. Deferred votes. Yesterday we  
11 did not have time to get to DTO. That will be  
12 discussed and lead -- the discussion led by Wood.  
13 So if Wood you would be up for going over GTO now.

14 MR. TURNER: Sure.

15 MR. POWELL-PALM: And draw back into  
16 materials.

17  
18 MR. TURNER: Sure. So I guess this is  
19 second day extension of the materials section of  
20 the agenda. So a reminder to everyone that we have  
21 a discussion document on distilled tall oil that  
22 I think you've all had a chance to review. We have

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1 a petitioner who has -- is interested in seeing  
2 distilled tall oil be listed as 205.601(m) and  
3 205.603(e) as a synthetic substance permitted in  
4 organic agriculture and used in particular as an  
5 inert ingredient and as an adjuvant for use to  
6 solvent, sticker, anti-leaching agent, and time  
7 release agent in pesticides. So we've had -- I  
8 think is we heard in verbal comments. I think I  
9 heard someone reference 22 months. This is a  
10 petition that's gone through several rounds of  
11 documentation requests and input from the  
12 petitioner. We've had a TR on this as well and  
13 just to give you a little bit of history. It was  
14 a previous petition on this in '08 that ultimately  
15 ended up being rejected, but it was not DTO, it  
16 was tall oil specifically. And there was a  
17 concern, I think in the petition that -- in the  
18 TR that there had been a lack of clarity between  
19 a material referred to as crude tall oil and  
20 distilled crude oil. They're too -- we did want  
21 to make sure in the TR this time that they were  
22 distinctly represented and distinctly address

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1       because they may have differences. And so that's  
2       an important issue that I want to make sure people  
3       understand that this petition, even though there's  
4       some history on tall oil being reviewed in previous  
5       iterations of this Board. You know, we're trying  
6       to understand more specifically this petition in  
7       the context of the distilled tall oil.

8               But I think more importantly, and you  
9       heard in my introduction, the issue here is that  
10       we have a material that is being petitioned. That  
11       is intended to be used as an inert or adjutant,  
12       not as an active ingredient. And the use is to  
13       augment the functionality and sequestration of  
14       approved substances in organic production. As  
15       we've all noted in a variety of different contexts,  
16       however, we have no process currently today for  
17       how to actually evaluate inert ingredients. And  
18       I will say that in our subcommittee, we've had a  
19       number of different discussions on this topic over  
20       time. Looking at the material on the merits, at  
21       raising a number of different questions as a group  
22       about the fact that this material, again, I don't

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1 want to conflate a lot of issues here, but I think  
2 there's a lot of complexity here. One is whether  
3 or not -- one is the fact that this is a petition  
4 for an inert ingredient. And two, is whether or  
5 not the material, as we understand it, isn't --  
6 functions as an inert ingredient or an active  
7 ingredient. So I think that's been really an  
8 interesting part of our process, concern about  
9 whether the rates that are -- that have been  
10 indicated as being kind of the rates of application  
11 for this material really do allow it to function  
12 as an inert ingredient versus an active ingredient.

13 So I just -- that's been a really interesting part  
14 of this process.

15 I do want to point out in the discussion  
16 document, however, that there is an unfortunate  
17 typo. And it's on the -- in the third paragraph  
18 that the section called the inert versus active.

19 The document says the petitioner has submitted  
20 additional information -- I'm sorry. The  
21 petitioner has since responded to the use of the  
22 substance as an inert is intended to produce the

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1 effects of an insecticide. I want to be clear.  
2 That's not what the petitioner said. The  
3 petitioner sensory responded that the use of the  
4 substance as an inert is not intended to produce  
5 the effects of an active insecticide. So this has  
6 been the petitioner's perspective on this  
7 particular issue that is not an insecticide.  
8 However, I will say that those issues have come  
9 up in the context of our conversation as a  
10 subcommittee on this material. And I think we're  
11 still, you know, really still kind of -- still  
12 working through those kinds of questions.

13

14 I want to point out as well that you  
15 know, I don't want to -- I think we've learned a  
16 lot about this material and I think we've come to  
17 this issue with a very open mind. Despite the fact  
18 that we don't have a process for evaluating inert  
19 ingredients. I think we've learned a lot about  
20 material. We've certainly recognize that there's  
21 a potential for this material to provide some  
22 benefits including sequestration of pesticides and

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1 micronutrients from leaching out of the soil. I  
2 think that's -- well, leaching into groundwater  
3 in the case of pesticides or leaching out of the  
4 soil in the case of micronutrients. So I just --  
5 I do want to point that out and I do also want to  
6 point out that there are other context where this  
7 material certainly in the context of food  
8 packaging, has been identified by FDA as the one  
9 of these generally regarded the safe materials,  
10 so I -- that would you have an open mind on material.

11 However, we do not have a path forward on this  
12 and so I did want to -- I didn't want indicate that  
13 there is -- there was a lot of interest from the  
14 community on this. I think some commenters  
15 acknowledge the complexities that are raised by  
16 this petition and unfortunately, the timing of this  
17 petition, given the fact that we're trying to  
18 figure out this -- get some guidance on how to  
19 actually handle inert ingredients, it's  
20 complicated. You know, certainly there's been  
21 some commenters who have suggested that we should  
22 just reject the petition outright, as it is. Let

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1 me say -- let me see here as well. And then quite  
2 a bit of responses from I think the community that  
3 the petitioner and the petitioner community of  
4 producers of these types of materials that want  
5 to see these kind of materials move forward because  
6 of the functional benefits of material -- the  
7 potential functional benefits of materials like  
8 DTO.

9 So, you know, it's been an interesting  
10 process to sort of hear from the community and try  
11 to make sense of sort of, you know, what the right  
12 pathway is. But I just wanted to continue to go  
13 back to this point that until we have a path forward  
14 on this, until we have a clear pathway on how that  
15 -- how to evaluate inert materials that we  
16 recognize or discussing ad nauseum, about how, you  
17 know, may have -- may be listed on obsolete lists  
18 managed by other agencies and so on and so forth.

19 We're kind of in a little bit of limbo period here.

20 And unfortunately, it creates a situation where  
21 we have a petitioner who is eager to see some  
22 decision made on this material and we have no path

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1 forward. We have no reasonable path forward, we  
2 have no imperative on this, on how to manage this  
3 process. So that's -- I'll pause for a minute  
4 because again, we -- I want to indicate this is  
5 a discussion document. We would welcome continued  
6 responses to questions to our stakeholders in this  
7 material over the next couple of months. But I  
8 do want to flag this very important question that,  
9 you know, I'm not sure what the responses to those  
10 questions will mean, you know, if we don't have  
11 a path forward on this. So again, no vote. I'm  
12 trying to outline this as clearly as I can. I hope  
13 this is helpful to those who don't -- who haven't  
14 been as involved in these discussions in the  
15 subcommittee, but I'll pause for a minute, Nate,  
16 and see if there's any questions we can discuss  
17 here.

18 MR. POWELL-PALM: Mindee, please go  
19 ahead.

20 MS. JEFFERY: Thank you. Honestly, I  
21 wanted to just take a minute and really appreciate  
22 the petitioner because I know that we've gone back

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1 to them and gotten more information from them.  
2 And they've been really in a great dialog in that  
3 process. And I really appreciate the number of  
4 written comments on this subject and the level of  
5 expertise people were sending to us. Appreciate  
6 knowing that oral comments [inaudible]. The best  
7 piece of advice I got from [inaudible] started  
8 looking at the California Organic Products  
9 Advisory Committee was to remember that  
10 regulations take time because it's good for  
11 society. And then I just wanted to appreciate  
12 Jenny's talking about the advanced notice of  
13 rule-making on this subject and look forward to  
14 seeing where that goes and how that dovetails into  
15 our process and seeing when, if, and how evaluation  
16 of inerts comes back across aisle as it were.

17 MR. POWELL-PALM: If I might in with  
18 a quick question for Jenny. I think if I've got  
19 my timeline right. Oh, sorry. Yes. You have  
20 your headset. In -- I think it was 2014, NOP asked  
21 NOSB for a process for reviewing ancillary  
22 substances and a review or recommendation came out

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1 in 2016 and the NOP said they were reviewing it.

2 I was just wondering if there's any update on that  
3 review process from 2016 recommendation on  
4 ancillary substances?

5 DR. TUCKER: Yes, that one I was  
6 listening the whole time. You just -- you can hear  
7 me better when I'm talking on my headset than when  
8 I'm yelling at my computer. So that's why I  
9 plugged it in.

10 MR. POWELL-PALM: Sure.

11 DR. TUCKER: So that is one we have not  
12 moved forward with ancillary substances since that  
13 work stopped, so I don't have any update on that.

14 I believe and I'm frantically hoping somebody is  
15 going to chat me in the answer for my team here.

16 I believe ACA has done some kind of best practice  
17 -- has done a best practices document on ancillary  
18 substances or was working on one. You know, this  
19 is where I'm going to get myself in trouble if I  
20 talked too much because the reality is, I really  
21 don't know this has not been one that I have been  
22 very heavily involved in. So does somebody on my

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1 team who knows clearly more than I do, like to jump  
2 in here, this is the phone a friend part of the  
3 conversation.

4 MR. POWELL-PALM: Absolutely. No  
5 pressure because we were just putting you on the  
6 spot.

7 MS. SMITH: I'm also trying to phone  
8 a friend on the ACA best practices part. So if  
9 I get a response I'll let you know.

10 DR. TUCKER: Okay. I'm sorry. I  
11 don't have a good answer at this time. I do know  
12 that this is not one that has been on our active  
13 work agenda since the Board did its work. This  
14 is a bit before my time in my current role and I  
15 was not all that involved in this at that time.

16 MR. POWELL-PALM: I think to -- yes,  
17 to Woods point, sorry Amy, I don't mean to cut you  
18 off. To Wood's point of having a procedure and  
19 process available to us. It maybe great to follow  
20 up on this with you after the meeting. Please go  
21 ahead, Amy.

22 MS. BRUNCH: Thank you, Nate. And I

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1 echo, you know, the need to have a procedural  
2 process. I was just going to make a comment, you  
3 know, and in the oral comments, there was something  
4 that was mentioned about the quantity applied of  
5 this and it points to, you know, inert and not maybe  
6 having any insecticidal properties, but, you know,  
7 there's -- in farming, you know, just minimal  
8 amounts can really equal a big punch. I point to  
9 things such as gibberellic acid. It's a plant  
10 growth regulator, it's approved to be used with  
11 restrictions in organic, those are applied in --  
12 it's in a formulation but the actual composition  
13 is tenth of a gram applied on an acre. So 1.32  
14 acres equals a football field. So when we look  
15 at, you know, small amounts creating a big punch,  
16 it is worth looking into the details and not just,  
17 you know, putting them up to chance that low amount,  
18 you know, it doesn't have any properties that can  
19 contribute to, you know, in this case an  
20 insecticide or something. So just a comment to  
21 mention.

22 MR. TURNER: I really appreciate that,

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1 Amy, that was meaningful to hear you say that.  
2 I think that we did have discussion as a  
3 subcommittee on that particular issue, and I think  
4 that will definitely bubble up to something that  
5 I think sort of added, again, not to conflate issues  
6 here, but it added a layer of complexity to our  
7 concern about this because in fact it's being  
8 suggested that it's in an inert or adjuvant but  
9 in fact it's, you know, there is some obvious debate  
10 on that which I appreciate your comment, so I  
11 appreciate you saying.

12 MS. BRUNCH: No problem. Thanks.

13 MR. POWELL-PALM: Carolyn, please go  
14 ahead.

15 DR. DIMITRI: So this seems very --  
16 this whole product seems very weird to me. So --  
17 oh, my computer's jumping in the conversation.  
18 So can -- and maybe this has already been done,  
19 but could someone just give me like a three  
20 sentence, non-technical justification for like,  
21 why this would be helpful to farmers?

22 MR. TURNER: I would love to defer to

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1 any grower in the subcommittee or who has thoughts  
2 in this, but my understanding of the material is  
3 that it actually helps bind other active materials.

4 It allows them to be -- god, I'm so -- I'm already  
5 desperate for somebody to jump in.

6 MS. PETREY: Okay. I think they said  
7 something earlier saying something like it was  
8 sticky. You know, that --

9 MR. TURNER: Sticky, that's it.

10 MS. PETREY: You know, cohesive type  
11 of -- not chelating, but something to that effect  
12 --

13 MR. TURNER: It pulls it together.

14 MS. PETREY: -- so whether it's  
15 sticking to the plant so that it's staying on there.

16 And so like a lot of times when we apply products,  
17 there's a rain fast period or a -- you know, where  
18 you're trying to make sure that you're not applying  
19 right before a rain because it's going to wash off  
20 and you wasted a lot of your application. Or you  
21 don't want to irrigate -- overhead irrigation  
22 immediately after. Or if there's like, you know,

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1 a lot of fog setting in. So there's some  
2 environmental conditions that can limit you on  
3 application timing. And I think that that's what  
4 this is. Wood, does that sound right? The resins  
5 stuck to me like the pine sap stickiness, so --

6 MR. TURNER: Thanks for jumping in,  
7 Logan. I was so worried about sounding stupid that  
8 I didn't want to say sticky but --

9 DR. DIMITRI: You feel like you said  
10 something stupid --

11 MR. TURNER: You should be doing that.

12 MR. POWELL-PALM: I think we need to  
13 throw the word sticky into the official  
14 definitions. It's very, very useful. If we  
15 could, please hear from Javier next.

16 MR. ZAMORA: Yes. I think with  
17 farmers we referred to some like this as a sticker  
18 for whatever product we're applying to our crops  
19 just before the rains or kind of like to hoping  
20 that it stays there longer until the ingredient  
21 that we're applying, does its thing, if you will.

22 But also any sort of sticker and maybe in this

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1 kind of -- this type of, pine resins and stuff will  
2 be leaching out, will be washed off the plant and  
3 end up in the soil. So my concerns and my questions  
4 are how long will it stay there? Or will it just  
5 disappear or will it be washed? What would be the  
6 effect on our soil or other plants around after  
7 the usage of this sticker because we referred, to  
8 these materials as stickers ourselves.

9 MR. POWELL-PALM: Great. Yes, thank  
10 you for that. Kyla, please go ahead.

11 MS. SMITH: Yes. I just wanted to, you  
12 know, Nate, you would ask Jenny about the ancillary  
13 substances recommendation. And so I just wanted  
14 to say that while related, I believe these are  
15 separate topics, right? So we don't have a,  
16 currently, we don't have a review process for  
17 inerts nor ancillary substances.

18 MR. POWELL-PALM: And you said, if I  
19 have a right would be more processing and multi  
20 crops and livestock.

21 MR. TURNER: Like propylene glycol.

22 MS. SMITH: Correct. Yes. So, yes.

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1       So, anyway, hopefully the ANPR will help to  
2       address the inerts situation. And then we need  
3       to maybe circle back around or see what to do, what  
4       the next step is with the ancillary substances  
5       recommendation. So again, while related, also  
6       separate.

7                   MR. POWELL-PALM: Yes.

8                   MS. JEFFERY: Because the inerts one  
9       was the -- when the former Board tried to see if  
10      the safer choice that EPA would work, and it really  
11      wouldn't. I think that was the other side. The  
12      previous Board work on inerts was when they tried  
13      to marry us into the Safer Choice program, and it  
14      didn't work out. I think that's how the history  
15      went on the inert side.

16                  MR. POWELL-PALM: Do you have  
17      something, Logan?

18                  MS. PETREY: No, I apologize. Thank  
19      you.

20                  MR. POWELL-PALM: Okay, good. Thank  
21      you. All right. Mindee, please go ahead.

22                  MS. JEFFERY: Yes, thanks. I just

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1 wanted to jump right in again and to say good job,  
2 Wood. Thank you so much for taking on some really  
3 dense subjects. Appreciate you.

4 MR. TURNER: It's the gig, right? And  
5 it's what we do.

6 MS. BRUNCH: Yes. See, I got all the  
7 really simple ones, really. You're doing the  
8 heavy lifting here.

9 MR. TURNER: It will of a sudden hit  
10 you, I promise you.

11 MR. POWELL-PALM: Kyla, please go  
12 ahead.

13 MS. SMITH: Yes. So just wanted to  
14 just chime in a little bit more about the CACS work  
15 on ancillary substances and that this was as far  
16 as I understand it talked about it. And did some  
17 training on it that there were more than one way  
18 to go through this process. However, it didn't  
19 get incorporated into the CACS best practice  
20 document on material review stuff because there  
21 wasn't one agreed upon way, there wasn't sort of  
22 consensus amongst the groups. So anyway, that's

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1 my understanding.

2 MR. POWELL-PALM: Wood, please go  
3 ahead.

4 MR. TURNER: And Nate, I just want to  
5 say before we wrap up discussion on this, that I  
6 think we're flagging some issues here for  
7 discussion document level and I -- we can certainly  
8 discuss it, I welcome any thoughts that you or the  
9 program has on this, but I don't know what our  
10 pathway is to bringing this to a proposal in its  
11 current form. So I just want to say that, I don't  
12 know how we'd bring proposal for the fall. And  
13 unless someone wants to weigh in here and tell me  
14 that I'm wrong about that. That's where I'm  
15 leaving. That's where I'm ending this. That's  
16 where I'm jumping off here.

17 MR. POWELL-PALM: Yes, I think this  
18 entire discussion's highlighted some some deficits  
19 in our ability to proceed with process. And so  
20 I think that's a valid point. And I'm excited to  
21 get with the program and see what our options are  
22 and how he can keep addressing this. Because it's

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1 -- yes, it sort of permeated all subcommittees,  
2 crops, livestock, and handling. All right.  
3 How's everyone feeling? That was intense. I  
4 appreciate all of you getting through that right  
5 after a quick break. So and not having lunch yet.

6 Amy, did you want to pick up and offer a chance  
7 to hear any other Q&A about the CACS discussion  
8 document and we ended with on Tuesday?

9 MS. BRUNCH: Yes. Thank you, Nate,  
10 for this extra time. I just think that's  
11 worthwhile since we're convened here as a group  
12 to make sure that all voices are heard on. Any  
13 of our CACS topics, but especially the one that  
14 we ended the day on Tuesday. So I asked for this  
15 extension to be able to convene for this purpose.

16 And on the oversight to deter fraud, we did have  
17 some good questions and discussion on the acres  
18 on certificate, which actually is intended on being  
19 just a quantitative quick way to match production  
20 area with products produced. So we did have some  
21 discussion on that. I'd like to make sure that  
22 we heard everybody's voices on that. And then just

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1 see if there was any questions or comments on part  
2 two of that discussion document, which is the  
3 universal bill lading, which really is a  
4 conversation about identifying standards or record  
5 keeping minimums as some of the written comments  
6 suggested. Just so we can have a clear picture  
7 on farmer reconciliation with their lot tracking  
8 numbers to their bill sales to end users and also  
9 from a certifier inspector point of view for these  
10 crops checks. So with that, I will turn it back  
11 over to the team this for quick Q&A. Yes, Nate?

12 MR. POWELL-PALM: All right. So, Amy,  
13 may I asked you a question as a producer.

14 MS. BRUNCH: Oh, sure.

15 MR. POWELL-PALM: So you sell grain  
16 primarily, as your organic crops, and you sell a  
17 lot of different loads. When you get -- well,  
18 could you describe to us real quick what is a bill  
19 of lading and why is it relevant here?

20 MS. BRUNCH: Yes, the bill of lading  
21 is essentially our ability to do lot tracking on  
22 our farms so our bill of lading and OST had asked

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1 for are unique way to accomplish this. With every  
2 load that we deliver from our farm, it has the date  
3 in which the -- or the crop year in which our crop  
4 was produced, which farm it came from, if it was  
5 in storage, what inside it was located in, and you  
6 have my certifier information on the sheets, as  
7 well as contact information and the type of crop.

8 So that I guess, as a whole or are some significant  
9 pieces to the bill of lading. It also has my  
10 trailer trap seals and I am growing food for the  
11 consumer. So all of that process is my lot  
12 tracking. So ideally if there was a question on  
13 any of the loads that I delivered, I could go back  
14 into my system and understand where things came  
15 from. So, you know, we heard from --

16 MR. POWELL-PALM: Follow-up.

17 MS. BRUNCH: I'm sorry.

18 MR. POWELL-PALM: And I might ask you  
19 a quick follow-up to that. So when you have your  
20 lot number, it captures a lot of information about  
21 the products that you're sending out the door to  
22 your buyers. When you get receipts or settlement

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1 statements from your buyers, does that lot number  
2 usually track through?

3 MS. BRUNCH: Yes, that's a good  
4 question. And I thought I was on my own little  
5 island with my buyers. No, it doesn't. And then  
6 hearing with a broader audience just with my own  
7 producer network and other written and oral  
8 comments. We're all kind of in the same boat.  
9 It's very difficult then to match up our lot numbers  
10 for the loads we delivered with the settlement  
11 sheet, which is what the buyer gives to us to just  
12 recognize the loads that we brought in and the only  
13 way really to do it is match it up with dates, but  
14 it is tough when we're taking our products across  
15 state lines, the dates don't always match up, so  
16 it's a little bit of a guessing game.

17 MR. POWELL-PALM: So seems like there  
18 could be a little bit of pressure applied from the  
19 inspection process as well as certifiers that the  
20 buyers, handlers, brokers who purchase primarily  
21 commodities, but all organic crops should be  
22 expecting these lot numbers to carry through more

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1 consistently. Kyla, perfect timing. What do you  
2 have to say about this as a certifier?

3 MS. SMITH: So again, maybe this was  
4 like more the intent of the discussion document  
5 than the actual like wording being so like  
6 hyper-focused on the document of the bill of  
7 lading. But I'm just thinking about, you know,  
8 maybe not all sectors use a bill of lading. And  
9 so I think maybe what is intended, it's just sort  
10 of what you were talking about, Nate, is like that  
11 through line of certain elements on all audit trail  
12 documentation. And so I know as the proposed rule,  
13 there was some proposed language to have further  
14 detail in the record keeping section that to  
15 identify products as 100 percent organic, organic,  
16 or made with organic and things along those lines.  
17 Like on all audit trail documentation. And so  
18 I guess I'm just like wondering if perhaps we don't  
19 make it so specific.

20 MR. POWELL-PALM: Super helpful.  
21 Logan, please go ahead.

22

1 MS. PETREY: Thank you. Thank you,  
2 Amy, for all this work. Okay. So with bills of  
3 lading -- so we do -- I want to talk about produce  
4 and/or grain. It's a very different type  
5 industries of the way product is handled. So in  
6 veg, you know, we're typically -- you're dealing  
7 with packages. So we're talking about small  
8 packages and not bolt product like grain, I mean,  
9 with grain, you may be putting at least in my  
10 circumstance, we may be putting multiple fields,  
11 even different varieties and storing it in a single  
12 bin. And I wouldn't be able to separate that.  
13 So a lot to me on the produce side means a specific  
14 planting in the field by variety, by a certain crop.

15 And because of food safety reasonings, we are able  
16 to track that lot number specifically to like a  
17 GPS coordinate, you know, a mapped area of that  
18 and that goes through our system. Now, I  
19 understand our farm is you know, digitalized with  
20 accountants and things like that and software.  
21 So I understand this. And not every farm is this  
22 way, but we are able to track that through, or

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1       whether, you know, it gets received with receiving  
2       reports.  And then we also, you know, when it loads  
3       up on a truck, we have the purchase orders and I  
4       mean, when you go through the audit tracing, it's  
5       just there's so many pages, but you may not have  
6       that lot number identified on every single piece,  
7       but it's like a map and so you just kind of connect  
8       the dots from this number with that number and this  
9       number, you know, equals this and that, you know,  
10      it just kind of opens it up to a bunch.  So it's  
11      almost kind of fun doing the audit trace back  
12      because you click on one number and that's a bunch  
13      of possibilities and you find your other  
14      possibility and go down.  With the grain on our  
15      purchase settlements, we don't -- I don't -- I'm  
16      looking at one, don't have the lot number.  What  
17      I do have is the bill of lading ID number.  So like  
18      our client or customer gave us a specific PO for  
19      that or bill of lading number, and then on that  
20      bill of lading sheet, if I were to reference back  
21      and look back at the sheets, I have the lot number  
22      on that.  I don't know if that helps anything, but

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1 sometimes it's not -- like the lot number that I  
2 assign at the farm may not be there, but it's a  
3 trail to find back. Don't know if we, you know,  
4 can universally put a field lot number on  
5 everything, but that's how we track it on here with  
6 our different types of produce and grain.

7 MR. POWELL-PALM: Super helpful. If  
8 I may jump in here real quick, Amy.

9 MS. BRUNCH: Yes.

10 MR. POWELL-PALM: I think as an -- as  
11 organic inspectors, we are trained to, as you're  
12 saying, follow that road map, figure out how the  
13 connectors exist. What Amy, I think, is citing  
14 is when basically there isn't a real connector  
15 between a receipt and a bill of lading. And be  
16 it a lot number or a purchase order number or  
17 another connector, it seems like between farm and  
18 aggregated processor, there is this growing black  
19 box of information.

20 MS. PETREY: I don't think it should  
21 be. I think that that needs to be handled, so yes,  
22 absolutely.

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1                   MR. POWELL-PALM:    But I appreciate  
2                   that, we want to make this work for everybody.  
3                   So that was a really helpful example.

4                   MS. PETREY:    Yes.

5                   MR. POWELL-PALM:    Kim, please go  
6                   ahead.

7                   MS. HUSEMAN:    Yes. I'll just give it  
8                   from a buyer's perspective as well. So and maybe  
9                   I'm going down this in a little bit different of  
10                  an angle, but we use BOLs. First off, anything  
11                  that comes into our facility has to have matching  
12                  internal purchase order number on that BOL, if not,  
13                  it's rejected before it ever entered our site.  
14                  And that's for organic integrity and a bunch of  
15                  other reasons because we don't want a low that was  
16                  supposed to go to our neighbors to end up at our  
17                  facility, right? So we have internal numbers that  
18                  we communicate with our buyers to link those up.

19                  If we're looking from a mass balance standpoint,  
20                  you know, to me, I would think that weights, and  
21                  I'm not buyer of vegetables so I can't speak to  
22                  what Logan just talked about. But I do appreciate

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1 that aspect. But if we're trying to do a mass  
2 balance, I think weights are very critical to this  
3 phase. And I don't know who's responsible for  
4 entering that, and how does that get connected?

5 Because from an audit standpoint, I know what we  
6 go through from a buyer. The disconnect to me is  
7 the link between the certifier of the buyer and  
8 certifier of the seller of product. And it's a  
9 very difficult topic, I guess, is what I'm getting  
10 at. And I'm not sure I'm clear on the angle in  
11 which we're trying to go to create that conduit.

12 MR. POWELL-PALM: If I may, Amy, I  
13 think, you know, the spark for this discussion  
14 document is acknowledging that break between the  
15 certifier with the buyer and certifier with the  
16 seller. In trying to figure out through best  
17 practices, how do we have more consistency on that  
18 bidirectional information discovery? And so when  
19 we're an inspector for either party, it should be  
20 the similar, if not the same information we're  
21 seeing on both ends. Is that correct, Amy?  
22 Anything to add to that?

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1 MS. BRUNCH: Yes. That's correct.  
2 The bidirectional look back is what we're going  
3 through and having those common elements go through  
4 the chain. And one thing, Kim, that was great  
5 perspective from your point of view as a buyer.

6 From the farm level, a lot of these products are  
7 leaving without being scaled up. So without --

8 MS. HUSEMAN: That was -- yes.

9 MS. BRUNCH: Yes. So I mean, that's  
10 a good point. It's just really to make sure you  
11 know, things aren't being double counted and  
12 through different places in the supply chain, you  
13 know, there's different certifiers involved, so  
14 it's just looking -- trying to get similar data  
15 so the whole process from start to finish really  
16 examined.

17 MS. HUSEMAN: Because our expectation  
18 is that farmers do not have certified scales on  
19 their properties. So we are using destination  
20 weights that are agreed upon between the buyer and  
21 the seller. But from a certified weight  
22 standpoint, it's really difficult to get two

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1 matching numbers or correlating numbers if you're  
2 coming directly off farm and it's not collected  
3 at a transit facility or if it's railed versed  
4 truck, or how products move in such a fragmented  
5 space, speaking directly from the grains aspect.

6 The correlation I'm sure, you know, Javier, Logan,  
7 you guys have much better detail in information  
8 on that from the vegetable side so --

9 MR. POWELL-PALM: Brain, please go  
10 ahead. Thank you for that, Kim. This is really,  
11 really helpful.

12 MR. CALDWELL: Well, thinking about  
13 making this work for everybody. I think I'm going  
14 to ask questions relating to the many thousands  
15 of small mini and micro small scale producers who  
16 have nothing to do with bills of lading. And when  
17 I deliver almost all my produce by my, you know,  
18 I do it myself or an employee does it. And we have  
19 of course, you know, invoices and receipts. We  
20 have records that we keep. About what how many  
21 CSAA shares go out to different locations all that  
22 kind of stuff. When we used to do farmers market,

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1 we would keep records of our, you know, what produce  
2 we brought, what produce we either gave away at  
3 the end to donated or brought back. But it's a  
4 completely different world. And I hope that we  
5 can make whatever process we're putting in place  
6 here, you know, not be an extra burden to all the  
7 small-scale producers of which there actually are  
8 many more than there are large-scale producers in  
9 the organic world. So just want to put that out  
10 there.

11 MR. POWELL-PALM: Yes, I think Amy  
12 really saw this question because in the discussion  
13 document, it only describes bill -- business to  
14 business transactions. So if you're selling  
15 directly to consumers to end buyers, this doesn't  
16 apply to you.

17 MS. BRUNCH: Yes, absolutely. And one  
18 other thing to add, you know, a derivative of this  
19 discussion document was just determining  
20 consistency of what the definition of sufficient  
21 means just to kind of get everybody in the whole  
22 community, you know, more or less, using their

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1 unique system, but capturing some of these key  
2 minimum reporting requirements, doing it, you  
3 know, the question was, should it be granular,  
4 should be aggregated, you know, just to try to  
5 invoke a little bit more clarity there as well.

6 Okay. I'll turn over you, Nate.

7 MR. POWELL-PALM: Thank you for that.

8 Javier, please go ahead.

9

10

11

12 MR. ZAMORA: All right. I think  
13 there's two -- I see two different issues here.

14 Or at least, but trying to -- we're trying to  
15 figure out two different things. So if you are  
16 trying to figure out the mass of the amount of  
17 product that is being grown from a farm. That's  
18 kind of, it's relatively easy because there's  
19 numbers and there's data that we can go by. If  
20 you're a grain grower, certifiers know how many  
21 tons, if you're strawberry grower, you kind of know  
22 how many trays of strawberries you grow. That's

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1 one thing. I think it's -- if you are a specialty  
2 grower like myself and if you sell to let's say  
3 I bring my strawberries to, you know, to a  
4 distributor, we have a way to trace our  
5 strawberries from the Triple M Ranch (phonetic)  
6 or the Maja Ranch (phonetic) with a little sticker.

7 And then we have another number that it's our  
8 grower's number that gets input into the lot number  
9 that the distributor has. So if there was an issue  
10 with our strawberries, there's the number to trace  
11 exactly where it's coming from. So but if you sell  
12 at a farmers market, there's a way to figure that  
13 out too, because you have like Brian was saying  
14 load list, you have harvest records, you have  
15 designated blocked numbers, designated ranch  
16 numbers. So we're looking at two different  
17 things. We're looking at the mass amount of  
18 product that is grown and we're also looking at  
19 traceability. Now, how can we make everybody  
20 happy? Or how can NOSB come up with an idea the  
21 NOP can enforce? It's going to be hard because  
22 we don't have a silver bullet for everybody, but

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1 I think we need to differentiate, unfortunately.  
2 Yes, if you're a grain grower, it's just one thing.  
3 And if you are a specialty crops grower, it's a  
4 whole different thing because they can tell you  
5 on a block of 12 acres, I can name 30 different  
6 crops that I grow. Now, how am I going to be able  
7 to trace the rutabaga or the cauliflower, cilantro,  
8 tomatillo, cherry tomatoes, and corn and brussels  
9 sprouts and bell peppers and broccoli from that  
10 block? And not only that, you don't just harvest  
11 one-shot. There's several times that you harvest  
12 even broccoli, two or three times, cherry tomatoes,  
13 ten times. So it's very complicated. But if you  
14 -- if the goal is to understand whether somebody  
15 it's -- or there's some fraud going on, that  
16 everything is there for you to identify it. Now  
17 when you do that, are you interfering into  
18 something that might not be our business into their  
19 private -- privacy of their -- the farmer? Well,  
20 when a certifier shows up, there's absolutely no  
21 privacy. They're coming in to check and see how  
22 your operation is working. So I think the biggest

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1 issue that I've seen in the past and people talked  
2 about that is when grains come out of overseas or  
3 some other countries and then the paperwork doesn't  
4 really, you know -- we don't really have -- or the  
5 tools are not there in place to really trace  
6 everything to the block where things came out of.

7 But if you do have a way or actually identify and  
8 whether you know the 400 acres in Colima, Mexico  
9 are actually producing 300 tons per acre or lines  
10 or whatever it is. So figuring out, it's tricky.

11 But the certifier can go in and really figure out  
12 whether what you're saying, it is what is happening  
13 at your farm.

14 MR. POWELL-PALM: Let's hear from one  
15 of those certifiers. Go ahead, Kyla.

16  
17 MS. SMITH: Yes. I'll just sort of  
18 echo some of the things that Brian and Javier said,  
19 is that whatever we come up with here, I think it's  
20 really important that it is applicable to all  
21 sectors. All types of operations, big, small,  
22 in-between. Tech, no tech. It aligns with

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1 current regulations and pending regulations. And  
2 so that's I think where my struggle with this is,  
3 is that we know that SOE is coming, and it can't  
4 come fast enough. And I know that the intent of  
5 this proposal is not to upset that apple cart or  
6 -- and it's to support, but it's just hard to know  
7 how it's supporting. Do we need to do more,  
8 without knowing exactly what it's going to say.

9 And then the other thing, specifically with bills  
10 of lading, it's, you know, it's a transportation  
11 document. So I know that there's like other types  
12 of audit trail which documents which can be used  
13 depending on your type of operation, which is sort  
14 of, you know, what my comment was before. But  
15 oftentimes, transportation companies themselves  
16 are not certified. So the oversight of those --  
17 of that activity happens on the buyer or the  
18 seller's side. And so hence, a little bit of that  
19 black box fits in there. Because certifiers,  
20 don't have that direct oversight in the way that  
21 we do over companies that we certify. So we have  
22 to rely on either the buyer or seller operations

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1 that we do certify to then create that link. And  
2 then also again with SOE there -- again, there are  
3 in there going to be increased record keeping  
4 requirements. There's also going to be increased  
5 cross-checking required to be able to do supply  
6 chain audits. So this was going to what you were  
7 talking about, Kim, and helping sort of, again,  
8 not through line to be able to connect the audit  
9 trail across the supply chain. So again, I just  
10 say all of this because it's coming and I know that  
11 like we want to do more and we want to do things  
12 now. And so I just, you know, don't want us to  
13 get too far down the path without knowing exactly  
14 what is already going to be included.

15 MR. POWELL-PALM: Thank you for that.

16 Yes. Absolutely. Carolyn, please go ahead.

17 DR. DIMITRI: This is very important  
18 and it's a very complicated topic, obviously. I  
19 just thinking about the producers that are kind  
20 of on the edge, should I get certified, should I  
21 give up my certification and I think that keeping  
22 them in the organic, you know, as certified organic

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1 is really important and I just wonder, as we think  
2 about this, can we think about them and not actually  
3 pushing more smaller scale producers out of organic  
4 into, you know, that fuzzy world of I use organic  
5 practices, but I'm not certified.

6 MR. POWELL-PALM: Appreciate that.  
7 Liz, please go ahead.

8 MS. GRAZNAK: So this actually relays  
9 specifically goes to Carolyn's comment, which is  
10 I fall within that, you know real small farm  
11 category. And the conversations that I have with  
12 many growers that I'm in touch with who are on that  
13 fence of should I certify, I grow using organic  
14 practices, but I don't want to certify. One of  
15 the things that I tell every single person that  
16 I hear that argument from is that in the course  
17 of my farming career, when I started keeping track  
18 in year four of very specific details, lot code  
19 information on seedings, transplantings, seedings  
20 outside in the field, harvest records, applying  
21 lot codes to everything. That's when I became a  
22 really good farmer. And those records that I

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1 started keeping made me much better and much more  
2 efficient. And even at my very small scale, I keep  
3 all of those same -- the same lock codes that Logan  
4 on her farm keeps. So I don't personally think  
5 that that is or should be used as an argument to  
6 keep somebody from certifying. That's my  
7 perspective.

8 MR. POWELL-PALM: I can't tell you how  
9 much I appreciate that as an inspector, I think  
10 I would say that the record keeping requirements  
11 are just good business management requirements.  
12 And I think that all around you noticed that the  
13 really well run businesses don't have a hard time  
14 with records. It's just as both clearly track  
15 together. Javier, please go ahead.

16 MR. ZAMORA: Thank you. Liz, it's you  
17 know, I'm glad you there's more. It's probably  
18 how limited customers and CSAA, but something that  
19 has been said and I went to echo this, the amount  
20 of smallest grower, the smaller growers, that are  
21 disappearing or not certified organic anymore,  
22 this is one of the biggest reasons because they

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1 don't have the HR behind them that can keep track  
2 of every little detail. Again, it's not that  
3 difficult because it's just business. But there  
4 is a load of work that needs -- lots of work that  
5 needs to be done. I can tell you that I have two  
6 people to take care of that. Just my CCOS, my  
7 organic certification, and we still struggle  
8 because we are so diverse. I grow from 75 to 150  
9 varieties of flowers. I grow 40 different crops.

10 And that's -- why did I do that? Because that's  
11 the only way for me to compete with a larger grower.

12 If I have some flamingo strawberries and some mar  
13 de voir that are different than the massive amounts  
14 of strawberries that are grown. That's the only  
15 reason why I'm still in business. And that, I can  
16 tell you that my customers we've been dealing with  
17 them for, you know, the 25 customers for the last  
18 7, 9 years. And if I went non-organic. I probably  
19 wouldn't lose them all, but I will lose some because  
20 I have to have the seal in order for me to sell  
21 to the school district. So there's a lot of  
22 limitations to how far your organic certification

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1 can go to keep the new small family members farms  
2 available and being kept as an organic producer.

3 I mean, this is the Santa Cruz area, the  
4 Watsonville. Now at the farmers market, you can  
5 count how many certified organic operations are  
6 there.

7 MS. GRAZNAK: Yes. Can I --

8 MR. ZAMORA: Ten years ago was not the  
9 case. You can count how many they weren't  
10 certified. So something is happening that we need  
11 to make sure that we were not going to find a silver  
12 bullet. But we have to really, really figure out  
13 a way. And again, I said it twice. There is ways  
14 to do it easily because my door is open when they  
15 come. My files are right there, my receipts are  
16 there, my sales are there on the whole enchilada.  
17 You just have to --

18 MS. GRAZNAK: Can I --

19 MR. POWELL-PALM: I just want to say  
20 one thing real quick. The primary thing we're  
21 looking at here is buyers, tracing back to farm.  
22 Farmers on the whole look like they're taking --

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1 doing a pretty good job tracking that information.

2 It's really this connector, Javier, rather than  
3 putting on farmers, it's far as how do we get what  
4 the farmers are already doing to track over to the  
5 buyer? Amy, please go ahead.

6 MS. BRUNCH: Actually, I'll defer to  
7 Liz and then I'll get right in there at the end.

8 Liz, if you want to make a comment.

9 MS. GRAZNAK: I'm good. I'm good.  
10 Thank you very much, Amy. And thank you, Nate,  
11 for clarifying the specificness of this actual  
12 discussion document. Yes,

13 MR. POWELL-PALM: Absolutely. Yes.  
14 To the -- to speaking to those very small producers  
15 that primarily going direct to consumers.

16 MS. GRAZNAK: Right. Yes. Yes.

17 MR. POWELL-PALM: This would have  
18 nothing to do with them.

19 MS. GRAZNAK: Correct.

20 MR. POWELL-PALM: It's really business  
21 to business. Fraud exist more in the business to  
22 business space. Where we have aggregation, where

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1 we have longer supply chains. Direct consumer  
2 isn't where this is targeting. I will turn it back  
3 to you, Amy.

4 MS. BRUNCH: Okay. Well, I'm grateful  
5 for this extension and this conversation and just  
6 the diversity of opinions and thoughts on this.  
7 And it isn't an easy subject. And then I  
8 appreciate the respect and going over this to find,  
9 you know, an efficient option. I just point to  
10 the title of this discussion document is,  
11 Modernizing our system. You know, maybe there are  
12 things that we should be -- what data it is being  
13 captured and there was a lot of ideas on making  
14 things a lot more transparent. What was  
15 concerning to me is just hearing that a couple of  
16 certifiers said out out of all of their  
17 non-compliances, over 50 percent is because of bad  
18 records. To me, I think sometimes we stay, let's  
19 just let the farmer come up with whatever system  
20 they want. But I'd rather not see that system not  
21 be sufficient enough. So, you know, as a  
22 transition farmer, that's coming from a

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1 conventional world, record keeping to this level  
2 is really ambiguous. So it's actually can be  
3 helpful to tell them, you know, some of the minimum  
4 ways to --

5 MR. POWELL-PALM: Oh, no. We lost you  
6 again there, Amy.

7 MS. BRUNCH: Sorry.

8 MR. POWELL-PALM: That's okay. I  
9 think I'm not hearing you. Yes.

10 MS. BRUNCH: Yes. So that I mean,  
11 that's then I appreciate the discussion. I'm  
12 finding the pain points and seeing if there's  
13 opportunities to optimize. In terms of these two  
14 subject matters, in particular, acres on  
15 certificates actually does not look like it's in  
16 a scope of SOE. So potentially we could look to  
17 decouple these two ideas and have potentially two  
18 formats going forward on these particular  
19 initiatives instead of combining them because they  
20 are two different subject matters. Just to help  
21 shore up some of the gaps that have been identified  
22 by other stakeholders. But with that, and I want

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1 to deliver too much longer. I minute turned it  
2 over to Nate to wrap this up if there's nobody else  
3 to discuss anything.

4 MR. POWELL-PALM: I just wanted to  
5 thank you, Amy, for flagging this for us. As we  
6 see how many people had thoughts about this, I'm  
7 really glad we have the chance to circle back.  
8 So thanks for putting this back on our agenda.  
9 All right. So folks on the whole, that pretty much  
10 wraps things up. We're going to go over the work  
11 agenda now for our upcoming semester. And then  
12 we will end with a welcome to our new members.  
13 So if we could project the work agenda, and we'll  
14 just go through by subcommittee, and I apologize,  
15 would you mind making it just a bit bigger, a little  
16 bit more zoomed in. Great. Thank you. So  
17 continuing from -- oh, yes.

18 MS. SMITH: I just want to interrupt  
19 you just for one second so you know, the yellow  
20 highlighting are the ones we sent back from this  
21 meeting. So they're back on the agenda for the  
22 fall, I presume.

23

1 MR. POWELL-PALM: Perfect. Thank  
2 you. So for the fall our meeting in Sacramento,  
3 hopefully, our first in-person meeting in awhile,  
4 we're going to likely have a proposal for oversight  
5 improvements to deter fraud. That which we just  
6 discussed. A lot of that fall for that. Human  
7 capital management NOSB technical support will go  
8 to a vote. And then we'll also have a proposal  
9 on organic and climate-smart agriculture, which  
10 I am stoked for. So being able to dive in and take  
11 a vote on how we can better articulate how organics  
12 fits in this space. NOP risk mitigation tables,  
13 we will be working on again this semester that we  
14 sent back. And then moving into crops. So carbon  
15 dioxide send back, it will still be on our work  
16 agenda to vote on in the fall. We are going to  
17 have a pile of material votes. Spring always seems  
18 easier when I look at the small agenda. So I hope  
19 everyone enjoyed our warm-up session because it's  
20 going to be a marathon of voting on all these  
21 materials we went over will go to a vote. So I  
22 won't read them all off. You can see them as we

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1 scroll through here. And we're going to be moving  
2 through crops and then we had in handling sent  
3 phosphoric acid back. So we'll be working on that  
4 this semester as well. If you want to slow scroll,  
5 please. We'll be voting on all the materials about  
6 what you heard this meeting. So really excited  
7 to have some questions that we post back to the  
8 community in your fall comments, and to hear from  
9 you on these things. Livestock will have those  
10 material votes. In the materials subcommittee,  
11 we're going to have our tall oil, so DTO votes.  
12 It's a discussion document now excluded methods.  
13 And then moving into our research priorities about  
14 which we discussed. And then our PPM updates.  
15 And is that the end there? Did we just fly through  
16 all those? Please go ahead, Wood.

17 MS. ARSENAULT: You can move through  
18 them and I'll read them.

19 MR. POWELL-PALM: I guess, I'll just  
20 scroll and don't read everyone all, they post  
21 quickly.

22 MR. TURNER: There were a couple of

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1 things I noted there, Nate. So there was you --  
2 as you were going through the votes, there was an  
3 L-malic acid discussion that I think you may have  
4 higher up on the list, you might have seen --

5 MR. POWELL-PALM: Thank you. If we  
6 can scroll back to that.

7 MR. TURNER: And also to my question  
8 about BTO. Do we indeed have a vote in the fall  
9 or is that no longer on there?

10 MR. POWELL-PALM: Super good question,  
11 I would say for now, it's listed as a vote in the  
12 fall, so just by procedure, we've done discussion  
13 document and then likely a normal procedure goes  
14 to proposal. I think it'll be a discussion with  
15 the program to see if we do have a path forward  
16 and we'll be able to update the community after  
17 that.

18 MR. TURNER: Okay.

19 MR. POWELL-PALM: Thank you for that  
20 question. Carolyn, please go ahead.

21 DR. DIMITRI: Nate, is it out of order  
22 if I say something about climate change?

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1 MR. POWELL-PALM: If you wouldn't mind  
2 in just one second, hold it off.

3 DR. DIMITRI: Okay.

4 MR. POWELL-PALM: We'll conclude the  
5 agenda review and then we can go into other  
6 business. So please standby. Any other  
7 questions or comments on our agenda?

8 MS. ARSENAULT: Maybe --

9 MR. POWELL-PALM: Yes.

10 MS. ARSENAULT: Added that line item  
11 onto your work agenda. So it may be in the CACS  
12 section at the top. Climate-Smart -- here we go.  
13 If Carolyn wants to address it here.

14 MR. POWELL-PALM: Sure. Yes. Let's go  
15 ahead. If you'd like to talk about it, Carolyn.

16 DR. DIMITRI: I just have two very fast  
17 things to say because I see that we have coming  
18 up for a vote in the fall meeting, So I just wanted  
19 to let people know that we'll probably -- we'll  
20 put something out on the open docket for comments  
21 before then, so they will have a chance to give  
22 input and then also if anyone has any thoughts about

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1 climate change in organic and they want to talk  
2 to me, they can just reach me through my NYU e-mail  
3 address, and I'll be happy to talk to anyone who  
4 has an interest in the topic.

5 MR. POWELL-PALM: Thank you for that.

6 I would also just put out to the community if  
7 anyone is applying for Climate-Smart agriculture  
8 grants as part of this billion dollars for  
9 Climate-Smart commodity solutions, please e-mail  
10 me. I would love to know what the community is  
11 doing out there and how we might inform the writing  
12 of this document to reflect the hard work that's  
13 going on and the ideas that are already being  
14 implemented and explored through that grant part  
15 making process. So please be in touch.

16 All right. So that pretty much  
17 concludes our review of our upcoming semester's  
18 agenda. Any other questions from folks? Hearing  
19 none. Great work through the deferred votes.  
20 It's our chance that normally we would welcome our  
21 new members now. And I think that we have, you  
22 know -- we can't express how excited we are to have

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1       you four with us. This is really a great honor  
2       to have your expertise and really just by show of  
3       this meeting, how ready to run you all were. It  
4       was kind of a late appointment. You all arrived  
5       and got your letters a little bit later than might  
6       be optimal, but you have just thrown yourselves  
7       into the work. So I can't thank you enough for  
8       that and for the insights and deep respect for the  
9       community that you brought to this meeting. So  
10      the community thanks you, your fellow Board members  
11      thank you. And, hopefully we get to see you in  
12      the fall. It's so you won't have nearly as long  
13      of a delay in getting to meet your fellow Board  
14      members as my class and the class after us have.

15      And I think that's going to be a really special  
16      opportunity to see you all in person. So thank  
17      you so far for your service and for your  
18      participation and for all of your respect and the  
19      dignity you give to this process. Any other  
20      business? Any other questions, ideas? Brian,  
21      please go ahead.

22                   MR. CALDWELL: Well, first I feel like

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1 I want to apologize to everybody else on the Board  
2 because I feel like my role here has been to give  
3 everybody else more work. And just to turn that  
4 around a little bit. I just wanted to say that.

5 If we can make it some sort of an effort on moving  
6 the inerts question forward. I would be very happy  
7 to work on that no matter --

8 MR. POWELL-PALM: Please go ahead,  
9 Brian.

10 MR. CALDWELL: Oh, just no matter what  
11 committee may get it, I would be glad to really  
12 help on that, because it just seems like such a  
13 quagmire for us. So just wanted to put that out  
14 there.

15 MR. POWELL-PALM: Thank you. I think  
16 it's telling me an all hands on deck. So this is  
17 an issue of our day to try to figure this out across  
18 subcommittees. So appreciate your work there.  
19 Kyla, please go ahead.

20 MS. SMITH: I would just say that we're  
21 just we're in a bit of a holding pattern though.  
22 Until the program put out that ANPR, who already

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1       like handed inerts like back to them. And so until  
2       like they put out that advanced notice of proposal  
3       making and the ideas come back in, then they have  
4       to sort of sort out what those maybe and then it  
5       may come back to us. So I really appreciate your  
6       enthusiasm, Brian, and hopefully it doesn't take  
7       too long for that to get rolling. If it should  
8       come back to the Board and that you're still on  
9       the Board because it happens so much really, you  
10      know, carry that as the torch bearer would be hugely  
11      helpful.

12                   MR. POWELL-PALM: Thank you for that.

13       Absolutely. Any other closing thoughts? Well,  
14       we've said it before you all are the best. This  
15       is really has been a great meeting. Thank you so  
16       much for the time and energy put into this. And  
17       Michelle, please go ahead.

18                   MS. ARSENAULT: I don't want to  
19       interrupt you, you want to finish your thoughts?

20                   MR. POWELL-PALM: I can finish my  
21       thought. I think it was representative of really  
22       hard work done throughout the year -- throughout

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1 this last semester to hit so many 15 to 0 votes  
2 where folks felt informed, conversations had been  
3 thorough, the work and the homework had been done.

4 So I think that is really reflective of a process  
5 working well. And so, thank you. There's a lot  
6 of calls. I think the community might not quite  
7 understand how many hours go into this. But it's  
8 an easy 15, 20 hours every week, both in committees  
9 where we're meeting formally but informally with  
10 conversations between each other. And and it all  
11 is very shiny when we get to this point, but it  
12 is an extraordinary amount of work. And I just  
13 want to commend all of my fellow Board members on  
14 taking the time away from your jobs, from your  
15 families, in support of our community to make our  
16 community what it is. So thank you again.

17 MS. ARSENAULT: Hear, hear. I just  
18 want to -- oh, go ahead, Nate.

19 MR. POWELL-PALM: No, please go ahead.

20 MS. ARSENAULT: I just want to mention  
21 two quick things then I'm going to turn it over  
22 to Jenny as the designated federal officer to go

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1 ahead and close the meeting. But here are the  
2 things in my brain. So we will have a nomination  
3 coming up this year. We're waiting for the  
4 announcement to get approved so we can get it posted  
5 in the federal register. We will have one vacancy  
6 to fill come January of 2023. So the announcement  
7 should be out in the spring of this year. And  
8 that's Rick who is leaving us in January of 2023,  
9 he's in the environmental protection and resource  
10 conservation seat. So and then next slide, Jared.

11 Thank you. Just -- I think you guys have seen  
12 the same slide now for a couple of meetings. Not  
13 much movement here, but we are slated to be in  
14 Sacramento in the fall. Still working on the  
15 spring 2023 meeting and the fall 2023 meeting we're  
16 slated to be in Providence, Rhode Island. Allison  
17 --

18 MR. POWELL-PALM: Yes. Allison,  
19 please go ahead.

20 MS. JOHNSON: I just wanted to make sure  
21 we get one more big thanks sent to Michelle. You  
22 made it so easy to slide into this group and make

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1       sure we have everything we need. So thank you.

2                   MR. POWELL-PALM: I can't echo that  
3       enough. Man, thank you, Michelle.

4                   MS. JOHNSON: And the treats. I loved  
5       the treats.

6                   MR. POWELL-PALM: Even though we're  
7       virtual, Michelle still got us treats. That  
8       should say something about a really effective  
9       manager. So thank you, Michelle. That was yes,  
10      you're incredible. And you made this work  
11      possible. All right. And with that, I'll hand  
12      it back to Jenny.

13

14                  DR. TUCKER: All right. I want to  
15      thank the entire Board for a wonderful meeting,  
16      incredible discussions, incredible group. I also  
17      want to thank the National Organic Program team.

18      I do want to close with a kind of behind the scenes  
19      project that has been going on for months that we  
20      are now able to launch and actually launched this  
21      afternoon during the meeting. So I just want to  
22      point it out for the -- looks like we have 86

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1 diehards that are still on the line with us as well  
2 as the Board. Today looks like I'm not allowed  
3 to share my screen or I would share it for you.

4 Today, we launched a new petition substances  
5 database so for all the folks out there who are  
6 involved in materials, reviews, and who are  
7 tracking all of these substances through the sunset  
8 process, all the detailed technical work that  
9 happens in these meetings, our technology is a huge  
10 enabler to everything we do and so the team heard  
11 you about the need for a better online index for  
12 managing petition substances. And Andie Holm, has  
13 led this project for the last several months. So  
14 Andie, I just clicked it in, chatted it in so you  
15 can double click on it, scroll down to see the  
16 National Petitioned Substances Database. But I  
17 did want to highlight both that is a tool, but also  
18 the behind the scenes work that happens as Nate  
19 just mentioned with the entire Board, but also  
20 across the standards division and elsewhere. We  
21 are one big global partnership and if technology  
22 is important for binding us all and the people are

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1 important for making the work happen. So again,  
2 congratulations and thanks. And Nate  
3 Powell-Palm, thank you for your leadership during  
4 this meeting and as the Board chair, you did a  
5 fabulous job as your first virtual meeting and  
6 you'll do another fabulous job in the fall, ideally  
7 in face-to-face, where we will all be able to give  
8 each other hugs at this point in the process. So  
9 with that, I think we are going to formally adjourn  
10 this meeting of the National Organic Standards  
11 Board with many, many thanks and well wishes for  
12 a safe and happy and smooth path forward. So be  
13 well wherever you maybe and take good care. Bye  
14 bye.

15 MR. POWELL-PALM: Thank you, Jenny,

16 MS. SMITH: Thanks, Jenny. Maybe at  
17 the fall meeting, there will be less issues with  
18 the microphone un-muting and muting because we've  
19 all been having to do that on Zoom for so long.

20 Because that's like just one thing I remember from  
21 in-person meetings where everyone is like people  
22 forget to un-mute that.

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1                   (Whereupon, the meeting in the  
2           above-entitled matter was concluded at 3:30 p.m.)